

The Hispanic American Historical Review

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A LETTER FROM PRESIDENT WILSON

THE WHITE HOUSE,
WASHINGTON.

December 6, 1916.

My dear Professor Chapman:

I learn with a great deal of interest of the plans for an Ibero-American Historical Review and beg that you will express to all those interested my very sincere approval of the project. It is a most interesting one and ought to lead to very important results both for scholarship and for the increase of cordial feeling throughout the Americas.

Cordially and sincerely yours,

WOODROW WILSON.

Prof. Charles E. Chapman,
23 Hancock Street,
Winchester, Massachusetts.

A NEW AMERICAN HISTORICAL JOURNAL

The friends of a general historical journal like the *American Historical Review* might be excused if in its earliest years they devoted all their superfluous energies to making it as good and as successful as possible, and gave little thought to the problem or possibility of establishing other historical journals in the United States. But now that it is twenty-two or twenty-three years old, and, through whatever troubles of adolescence, has attained its majority, it is natural to consider with open mind the question, what would be the ideal set of organs through which American historical scholarship and American interest in history should express themselves.

The answer should be widely different from that which alone was possible in 1895. That there has been an enormous improvement in the quality of American historical scholarship since those days it would be unwise to affirm, though some improvement has no doubt taken place; but certainly the quantity of our historical output has greatly increased, and it is far more diversified. One through whose hands all important new American books of history then passed, on their way from publisher to reviewer, as similar volumes of the present day pass now, well remembers how often it happened—much oftener than it happens in these days—that after ardent thinking he was obliged to conclude, concerning some book on a quite special subject, that no one in America had qualified himself to review with authority a book in that particular field. Where perhaps some thirty different subjects for doctoral dissertations were being worked upon in 1895, four hundred are being investigated in the present academic year. Whole areas of human history, such as the history of the ancient world, to which American historical scholars were then giving almost no attention, are now being cultivated with ardor by groups of able and learned young men and women.

Meanwhile the wealth of the country, too, and the circle of cultivated readers, have grown with much rapidity. It can no longer be pretended that the country is too backward or too poor to sustain the most expensive undertakings of scholarship. It is abundantly able to support them in rich variety. Indeed, it must speedily awaken to the duty of doing so in much larger measure than heretofore. The resources out of which Europe has in the past sustained the enterprises of scholarship, whether through the hands of governments or of societies or of subscribers, have suffered losses of unparalleled magnitude through four years of the most extensive and destructive warfare ever known. All the apparatus of civilization will feel the disastrous effects for many years, and in particular it will be impossible for Europe to maintain the apparatus of scholarship on any such scale as hitherto. The United States is the richest of countries, and, in any probable event of the great war, will emerge from it far less damaged in resources than any of the nations of Europe. It will be her opportunity and her privilege to step into the breach, to do what one young nation can do to repair the losses, and to take upon herself the leading part, if not in performing the finest labors of scholarship, at least in their sustainment.

What then, in this present-day America of richer and more diversified historical studies, should be the ideal organization of such studies? Or, to consider only one modest subdivision of so large an inquiry, what arrangement would ideally meet her developing needs in respect to regular organs of publication? Individual books will be published in abundance through the usual channels of trade, with profit or loss, most likely the latter, to the author. But much good matter will always appear in the "transactions" or annual volumes of societies, and much in periodicals. The latter as a rule do more toward keeping interest in history or parts of history alive than can be done by volumes frequently or less regularly appearing. Their reviews of books and their pages of news encourage development by bringing constantly before the minds of readers and workers the higher sort of scholarly standards, the advances marked by recent publications, the evidence of professional solidarity, the "aid and comfort" which resides in the sense of not working alone.

The healthiest and most well-rounded development of historical science in the United States would require, first, the existence of one or more general historical journals of high quality; secondly, a multitude of local historical journals, cultivating restricted fields, but not provincial in quality; and thirdly, a considerable number of ably-conducted special journals, whose fields are restricted not by geographical boundaries but by concentration on particular portions or aspects of history.

Such in fact is, or was before the war, the status of Europe in respect to historical periodicals. Each of the more important countries had long had one or more general journals, among which the *Revue Historique* would commonly be rated as the best. Each country, but especially France and Germany, abounded in local or regional journals, most often conducted by men capable of looking outside the boundaries of the locality and of relating its history intelligently to the history of the nation or of the world. Such were or are the *Forschungen zur Brandenburgisch-Preussischen Geschichte*, the *Annales de Bretagne*, the *Archivio della Reale Società Romana di Storia Patria*. But there have also been many organs of special historical learning, often international in character and support, sometimes multilingual in contents, which formed media of communication between savants in various lands whose lives were devoted to individual periods or parts or phases of the field of history—*Revue d'Histoire Ecclésiastique*, *Revue d'Histoire Diplomatique*, *Revue de l'Orient Latin*, *Revue des Études Juives*, *Revue des Études Napoléoniennes*, *Byzantinische Zeitschrift*, *Archiv für Papyrusforschung*, *Ephemeris Epigraphica*, journals of military and naval and economic and legal history, of ancient history and the history of art or of commerce; their name is legion and their pages are a delight to the lover of learning.

In the first of these two directions America has already attained a more than merely respectable development. To the older journals like the *Pennsylvania Magazine of History* and the *Virginia*, *South Carolina*, and *Maryland* journals of similar name, the last few years have seen the addition of journals of excellent quality and much promise, for the history of Michigan, Wisconsin,

Minnesota, Tennessee, and Georgia. At least twenty states have good periodicals of this character, and there are a few excellent journals of regional history.

As for the other variety of historical journal which under normal growth of our science we should expect to appear, the journal neither local nor completely general but dedicated to a special historical field, signs are not wanting that the time is ripe for its emergence. Whether because a general journal, however catholic in intention, can give no very ample amount of space to any one specialty, or for whatever other reason connected with increasing interest and increasing production, the American votaries of particular cults in history have in several instances laid plans for the creation of special organs, and in some cases have called them into existence. In April, 1915, there appeared under the auspices of the Catholic University of America the first number of the *Catholic Historical Review*, an excellent journal, devoted to the history of the Catholic Church in America. It is conducted with much energy and intelligence, has contained many valuable and interesting articles, and has done much to stimulate the many local Catholic historical societies, and to create in them the sense of solidarity and the belief that they have an important mission to be fulfilled by common action. It were much to be desired that the Protestant churches, with their greatly superior wealth and resources, would do half as much for the ecclesiastical and religious history of the United States as is being done, through this journal and otherwise, by the American Catholics. In January, 1916, appeared the first numbers of two other historical quarterlies, representing two widely different specialties, the *Military Historian and Economist* and the *Journal of Negro History*, both of which have since led prosperous careers and have greatly increased the interest of students in two highly important fields of historical inquiry.

Several other fields might be named in which America could probably sustain, or in a few years will be able to sustain, a special historical journal. It ought to be possible before long to maintain a journal of legal history, perhaps of economic history. Still nearer at hand may such a result be in the case of ancient

history. That is a specialty which has of late advanced rapidly in the United States. How it can continue to do so in a Greekless land, apparently soon to become also a Latinless land, is a mystery; but the attraction of the subject for the American mind, and especially of the history of the Roman Empire, with its social problems so like our own, has been abundantly and increasingly manifest in recent years.

But of all the departments of history that America might conceivably furnish with a special historical periodical, there is none that has made greater advances in recent years, none that is now in a course of more rapid development, than that which the *HISPANIC AMERICAN HISTORICAL REVIEW* has taken for its province. So at least it appears to one whose duty requires him to take passing note, if no more, of all the historical volumes and monographs and articles that the country produces. If such a one looks back ten years, he is astonished at the development which this variety of historical work has attained among us, at the number of competent and active workers who in that brief period have come forward. When it is remembered that more than a third of the area of the United States was once under the dominion of Spain, and that the rest has during three centuries had large relations with Spanish and Portuguese America, it seems fairly obvious that Hispanic American history should be largely cultivated among us, and that many able young scholars should arise to devote themselves zealously to it; but such a thought was not widely entertained ten years ago. How much has been contributed toward this result by the efforts of particular institutions, such as the universities of California and Texas, by the work of individual teachers like those who have been made advisory editors of this journal, or by the hospitable aid and kindly encouragement afforded to young students from our country by eminent historical scholars of Spain, of Portugal, and of Hispanic America, this is not the place to enquire. It suffices to rejoice in the growth and expansion noted, to applaud the impulse, nowise too ambitious, which has led to the foundation of this *REVIEW*, to wish it all success, to expect for it the unselfish aid of all who are strongly interested in its special field, and to

promise, on behalf of those to whose interest that field is less central, the hearty co-operation that so loyal a fraternity as the body of American historical scholars is sure to afford.

J. FRANKLIN JAMESON.

THE FOUNDING OF THE REVIEW

The founding of the HISPANIC AMERICAN HISTORICAL REVIEW is the natural result of the growing demand for a periodical which could supply the technical needs of students in the Hispanic-American field. Not only was there no single periodical adequate to their purpose among the many devoted in whole or in part to the southern countries of the Americas, but indeed in all of them together there was hardly enough material of the kind which the historical investigator would require.¹ There was no medium for articles which would not find a ready acceptance in existing periodicals of history, and especially was it true that none of the latter provided the bibliographical and other technical information about Hispanic America which is almost a prerequisite to the successful handling of this largely unorganized field. There seemed to be a general agreement, too, that Hispanic America itself and the relations of the United States with, and with regard to, the lands composing it were of enough consequence to merit the publication of a review, and it was everywhere asserted, with evident justice, that the field was a growing one, responding to the ever greater importance attached in this country to questions having to do with our neighbors in the south.

Such was the nature of the remarks between individuals in this field, but in 1915 an exceptional opportunity was presented for a more general exchange of views. In that year a special session of the American Historical Association was held at San Francisco and the neighboring university towns of Berkeley and Palo Alto in connection with the Panama Pacific Exposition. As appears from the papers published in the memorial volume of that meet-

¹ It will not come as a surprise to a number that the *Christian Science Monitor* has been regarded by some of our leading experts as the best working tool in existence on Hispanic America. With all due respect to the excellent Boston publication it would seem that history men should have an organ a little more akin to their profession.

ing,² the whole tenor of the occasion was distinctly Hispanic, reflecting the activity of the historians of the Pacific Coast and the Southwest in precisely those fields of history which bear a close relation to the colonial endeavors of Spain. The presence of the distinguished Spanish historian, Rafael Altamira, perhaps the most widely known of the invited guests from foreign countries, was an added factor tending in the same direction. It was Señor Altamira, indeed, who suggested the founding of just such a periodical as is now being launched, and the matter was informally discussed, although no definite steps were taken. In the following year it chanced that Dr. William Spence Robertson and the writer represented, respectively, the universities of Illinois and California at the American Congress of Bibliography and History held in Buenos Aires to commemorate the one hundredth anniversary of the Argentine Declaration of Independence (July 9, 1816). Perhaps the principal result of the congress was the expression of a desire for the publication of a bibliographical periodical which would enable students to know what scholarly work was being done in all branches of learning in the various countries of the Americas. It was also hoped that such a periodical might be published in each country. In accord with the spirit of the congress and having regard to the facts as they were in the United States, Doctor Robertson and the writer decided to make a formal proposal to the history profession in our country for the founding of a review to be a little less broadly inclusive than the one suggested at Buenos Aires, to deal with Hispanic-American history. In conversations with the leaders of the congress, they announced their intention, and received the hearty indorsement of these men. Thereupon they sent a communication to the *American Historical Review* which was printed in the number for October, 1916. The communication follows:

² *The Pacific Ocean in history*, ed. by H. Morse Stephens and Herbert E. Bolton. New York. 1917.

An Ibero-American Historical Review

To the Managing Editor of *The American Historical Review*:

DEAR SIR: The undersigned wish to suggest to the American Historical Association, through the *Review*, that a section should be devoted at the next meeting of the Association to a discussion of the feasibility of founding an *Ibero-American Historical Review*. They believe that the publication of such a review would be, possibly, the most practical method for North American historical scholars to coöperate with the permanent Congress and the American Bibliographical Institute which have just been established by the Congreso Americano de Bibliografía e Historia at Buenos Aires. In connection with the project to found a new historical review, the undersigned wish to make the following tentative suggestions:—

1. That the said review should be devoted to the history (political, economic, social, and diplomatic, as well as narrative) and institutions of Spain, Portugal, and the Latin-American states.
2. That it follow the general style and arrangement of the *American Historical Review*, but with more space allotted to bibliography.
3. That articles in Spanish and Portuguese be printed as well as those in English.
4. That the articles published be mainly those of such a character that they cannot find ready acceptance in the regional periodicals which already exist.
5. That members of the American Historical Association who may be interested in the project, kindly consider it before the December meeting, with special attention to its financial aspects.

WILLIAM SPENCE ROBERTSON,
CHARLES EDWARD CHAPMAN.

Doctor Robertson remained in South America for nearly a year thereafter, but the writer reached this country in November. Upon arrival in Washington he called upon Doctor Jameson, and learned that no definite action had been taken on the proposal. It therefore seemed clear that if anything was to be done, the writer would have to do it. He wishes particularly to acknowledge, however, the encouragement and wise counsel of Doctor Jameson, whose interest and aid have been steadfast throughout the period of the founding of the *Review*, and without which he most certainly would have failed of his purpose. At Doctor

Jameson's suggestion a request was made for a place on the program in the annual meeting of the American Historical Association, and a group dinner was arranged for the discussion of the project. While in Washington the writer called at the State and Treasury departments and at the Pan American Union, and received unofficial declarations of interest in the proposed Review. In New York Professor William R. Shepherd and Doctor Victor H. Paltsits were particularly helpful with suggestions. On November 25, the writer sent out seventy-two letters, nearly all to members of the history profession believed to have an interest in Hispanic-American studies. In this letter he called attention to the group dinner, invited the recipients to attend, and requested an answer expressing their views as to the idea. Little further action was taken until the meeting of the Association. Indeed, it seemed unwise to do much more until the idea should be indorsed; in particular, no attempt was made to procure funds. In the meantime, the writer went into the subject of expense, and procured data as to the probable annual cost of publication.

A surprisingly good record was made by the recipients of his letters. Sixty out of the seventy-two answered. Six opposed the project, eight were non-committal, and forty-six announced themselves in favor of it. Most of them discussed the financial problem, and it seemed to be the general opinion that this should be satisfactorily met before the Review should be launched. Another point taken up by them was that of the name of the magazine. Many objections were made to the term "Ibero-American," the original suggestion of Doctor Robertson and the writer. Among the other names proposed were the following: *Hispanic American Historical Review*; *Latin American Historical Review*; and variants of these titles, employing such words as "Journal of History", "Historical Journal", "Magazine of History", and "Historical Magazine". Only three of the men who opposed the founding of the Review stated the ground of their objection, and this was that there were not enough men or sufficient equipment in this country to provide first-class articles; one of the writers went so far as to say that there was not enough scholarship in the country to support the *American Historical Review*, let alone any

other historical periodical. On the other hand, most of the letters expressed the opinion that on that score there could be *no doubt* of the success of the Review. One of the prominent reasons for supporting it was because of the relationships it would engender with Hispanic America. Some viewed the matter from the standpoint of national affairs, and others from that of our associations with the historians of the southern countries. Several writers urged that articles by Hispanic Americans in their own tongue be printed frequently. A great many alluded to the purely professional advantages to our own men in the Hispanic-American field. Excerpts from specimen letters are given as an appendix to this article.

In the course of the sessions of the American Historical Association, held in 1916, at Cincinnati, the group dinner to discuss the project took place on the night of December 29 at the Hotel Gibson. Despite counter attractions, about thirty persons were present, two of whom were women. Among them were the following: Eugene C. Barker, Texas; E. J. Benton, Western Reserve; M. L. Bonham, Jr., Louisiana; M. L. Burr, Cornell; C. L. Chandler, South American representative of the Southern Railway, Chattanooga, Tenn., and Harvard; Charles E. Chapman, California; Arthur H. Clark, Cleveland, Ohio (publisher); Isaac J. Cox, Cincinnati; G. S. Godard, Hartford, Conn.; F. H. Hodder, Kansas; James A. James, Northwestern; J. F. Jameson, Managing Editor, *The American Historical Review* and Director of the Historical Research Department of Carnegie Institution of Washington; J. L. Kingsbury, Normal School, Kirksville, Mo.; J. G. McDonald, Indiana; T. M. Marshall, Idaho (now Colorado); T. P. Martin, Harvard; Miss Irene T. Myers, Lexington, Ky.; Victor H. Paltsits, New York Public Library; C. O. Paullin, Carnegie Institution of Washington; W. W. Pierson, Jr., North Carolina; T. C. Powell, vice-president Southern Railway system and member Railway Priority Board; James A. Robertson, Washington, D. C.; William L. Schurz, Michigan; Justin H. Smith, Boston, Mass.; Mrs. M. H. Stone, Saginaw, Mich.; Frederick J. Turner, Harvard; and R. G. Usher, Washington University, St. Louis. Attention should be called to the distinguished

character of those in attendance. Many of them were men of national reputation.

The writer asked Doctor Justin H. Smith to preside, and Doctor James A. Robertson (not to be confused with William Spence Robertson, who was still in South America) to act as secretary. The dinner over, the writer was called upon to outline the project for the Review. He did so, substantially as has been indicated thus far in this article. In commenting upon the communication signed by Doctor William Spence Robertson and himself he made the following additional suggestions: attention should be paid to social, economic, and political (including diplomatic) history as well as to the mere external narration of events, and some contemporary materials might be used from time to time; Hispanic America should be the principal field, but that ought to be interpreted as including the entire Caribbean area and those parts of the United States formerly under Spain and Mexico for the periods prior to their annexation to this country; articles on the Philippines, in so far as they related to things Spanish, might also be accepted; nevertheless, the review should in no sense compete with periodicals of history embracing the same areas within the United States, but, on the contrary, there should be a spirit of co-operation between the several boards of editors, for the new Review would rarely desire the articles which the others would prefer, and *vice versa*. Articles in French should be welcomed as well as those in Spanish and Portuguese.

At the conclusion of his address the writer offered a resolution in the following terms:

"Resolved, by members and guests of the Amercian Historical Association gathered at the group dinner to discuss the project to found an *Ibero-American Historical Review*:

"That the general project for such a Review seems to them a desirable one, provided adequate financial backing can be procured."

At the same time he submitted two motions, as follows:

"That a committee of seven be chosen at this meeting, to be called the Committee on Organization, with power to take all steps which may in their judgment seem best to found a review coming within the general objects proposed in the project for an *Ibero-American Historical Review*, their power to include:

"(a) A right and a duty to seek an endowment to guarantee its permanence.

"(b) A right to select a name for the periodical.

"(c) A right to define the initial editorial policy of the Review.

"(d) A right and a duty to provide for its initial organization and management.

"(e) A right to set the date when publication shall begin, provided that date be not later than January, 1918.

"(f) A right to dissolve without founding the Review.

"(g) A right and a duty to do anything else which may seem desirable or necessary."

"That a committee of three be chosen, to be called the Nominating Committee, with a single function, to be exercised once only, *viz.*, a power, upon notification from the Committee on Organization, to make nominations for the first board of editors, who shall be elected in such manner as may be prescribed by the Committee on Organization."

The writer explained that according to his views the first committee should be composed of men who were actively engaged in the Hispanic-American field, but the second should be made up of men of high standing in the profession who were not Hispanic Americanists; the latter committee he regarded as necessary in order to allow the members of the Committee on Organization to work with an entirely free hand, free from suspicion that they were striving in their own interests, and yet free, when the time should come, to accept an election to the board of editors. There was a great deal of enthusiastic discussion. Among others, Professors Barker, Bonham, Brandon, Burr, and Cox, and Doctors Chandler, Jameson, and Paltsits spoke on matters connected with the project, and all of them indorsed it heartily. The writer was asked to suggest names for the two committees, and did so, as follows:

For the Committee on Organization:

East.—James A. Robertson, Washington, D. C., chairman; William R. Shepherd, Columbia; Edward L. Stevenson, Hispanic Society; Hiram Bingham, Yale; Julius Klein, Harvard.

Middle West.—Isaac J. Cox, Cincinnati, or Roland G. Usher, Washington University.

Far West.—Herbert E. Bolton, California.

Doctor Cox withdrew his name, leaving that of Doctor Usher.

For the Nominating Committee: Doctor J. F. Jameson, Chairman; Professor Frederick J. Turner; and Doctor Justin H. Smith.

An amendment was made increasing the membership of the Committee on Organization to nine, and adding the names of C. L. Chandler and C. E. Chapman. On being put, the resolution and the two motions, with the names suggested and the amendment to the first motion, were carried unanimously. Other motions were also carried, as follows: that three members should constitute a quorum in the Committee on Organization; that on the death or resignation of any member of a committee the other members should be empowered to elect his successor; that Doctor Chapman be instructed to inform Doctor William Spence Robertson of the appreciation of those present of his scholarship and work; that a vote of thanks be extended to Doctors Chapman and Smith for their conduct of the meeting. An adjournment was then taken, and this very successful occasion was brought to a close. Truly, as the secretary expressed in the minutes, "The meeting was deeply enthusiastic and purposeful."³

A year has passed since the group dinner of December, 1916, a year which witnessed the breaking of diplomatic relations by our country with Germany, followed by our entrance into the great war. It was natural that the outbreak of war against such a powerful enemy should tend to check enterprises like that of the founding of a scholarly periodical not directly related to the conflict. Nevertheless, such progress has been made that the editors feel justified in offering the Review to the public, even in the midst of a war year. Whereas the writer necessarily had charge of the project up to the time of the Cincinnati meeting, it has been the Chairman of the Committee on Organization who has directed everything done since. A summary of the achievements of the Committee on Organization, in accordance with the powers granted it, is herewith presented.

It was hoped that an endowment of ten thousand dollars might be procured, but it early became clear that the Review could not

³ The minutes of the meeting were published in *A Californian* (C. E. Chapman) in *South America*, ed. by Herbert I. Prestley (Berkeley, 1917), pp. 51-59.

compete with Red Cross work, the Y. M. C. A., Liberty Bonds, and the numerous other philanthropic and patriotic interests engendered by the war. Nothing could have been done, had it not been for the generosity of the Castilian-born Mr. J. C. Cebrián, for forty-seven years a resident of San Francisco, and a citizen of the United States, who subscribed and paid in the sum of \$2500. The following gentlemen have also subscribed sums aggregating \$1175: Robert Alter, Cincinnati; Charles E. Chapman, University of California; C. L. Chandler, Chattanooga; Charles H. Cunningham, Texas; C. W. Hackett, University of California; Hayden Harris, New York; C. H. Hull, Cornell University; P. A. Martin, Leland Stanford Junior University; W. S. Robertson, University of Illinois; W. R. Shepherd, Columbia University; Willard Straight, New York; Mr. Frederic Archer Upton, head of the oldest United States business house in Brazil, 100 years old; D. B. Wentz, Philadelphia. Most of them have already turned over the amounts opposite their names. The Review begins, therefore, with an endowment of \$3675—not so much as the editors would like, but representing a safe margin until such time as subscriptions and further contributions shall make up a more substantial sum. All funds as received from guarantors were held in trust by Mr. Waldo G. Leland, Secretary of the American Historical Association. A number of individuals and institutions have already announced their intention of subscribing for the Review.

The question of a name for the periodical was the subject of much discussion. There was a general agreement on the use of the words "American" and "Historical", and the word "Review" was almost equally favored over "Journal" or "Magazine". Finally, the matter was narrowed down to a consideration of the terms "Hispanic" and "Latin". By a vote of six to one, with two not voting, the name *Hispanic American Historical Review* was at length chosen. The reasons for the choice of the word "Hispanic" are best expressed in the words of Mr. Cebrián, the principal guarantor of the Review:

An initial error, followed by thoughtless routine, has caused many people to believe that "Hispanic" means "pertaining to Spain", where-

as its true meaning is "pertaining to Spain and Portugal". Hispania was from the beginning, and always has been, the name of the whole peninsula. The Romans divided Hispania into Tarraconensis and Bética; Augustus subdivided the latter into Betica and Lusitania; later, there were five provinces, but Hispania was the name of the whole. During the Middle Ages there were several kingdoms, one of which came to be Portugal, but the name Hispania was retained in European literature. The Greek name Iberia might also be applied, but with less justice than Hispania, since Iberia extended into France, while Hispania was restricted to the peninsula. On the other hand, the term "Latin" means "pertaining to France, Italy, Spain, and Portugal". It is a fact that neither France nor Italy discovered, settled, or civilized the lands south of the United States. Spain and Portugal, unaided by the other Latin countries, fashioned the new world after their own image. The few spots where Danish, Dutch, or French is spoken, in the West Indian Islands, are negligible quantities compared with the huge mainland areas. The few thousand negroes and negroids who spoil the French language in Hayti can hardly be considered Latin. Furthermore their land was originally and for many years under Spanish control. If we choose to call the southern peoples "Latin" because their language is derived from the Latin, then we ought to call the North Americans "Teutonic"; indeed, there is much more German, Scandinavian, and Dutch blood in the United States and Canada than there is French and Italian blood in the other Americas. The world very wisely has *not* adopted "Teutonic America" for the United States and Canada, and in like manner it should not employ "Latin America" for the countries which are not Latin but Hispanic. The term "Latin America", with its fourfold implication, is ambiguous, misleading, and unscientific, while "Hispanic America", with its twofold significance, is unambiguous, complete, truthful, scientific, and just.

The Committee on Organization felt that the proposal of Doctor W. S. Robertson and the writer as expanded by the latter in his talk at Cincinnati adequately expressed the initial editorial policy of the Review. Provision was made for a board of editors of six members, one of whom was to be the managing editor. The managing editor was to be elected by the board and was to retain his post permanently or until a successor should be chosen by a majority (four members) of the board. In the case of the first board, lots were to be drawn by the five members other than

the managing editor for terms of respectively one, two, three, four, and five years. Thereafter, the editors chosen were to serve for five years. Thus one member was to be elected each year. It was agreed that members of the board might stand for re-election, although it was deemed probable that most of them would not do so. Except in the case of the first board (to be chosen as hereinafter stated), new members were to be elected by a vote of a majority, exclusive of the retiring members (three out of five). Legal title was vested in the board of editors, who were to pledge themselves to carry on the affairs of the periodical in a way which seemed to them conducive of the best results for the men in this country engaged in the field of Hispanic-American history. The managing editor and the other members of the board were to make any further provision for the conduct of the Review which they might deem to be necessary or proper. In addition, a board of consulting editors was arranged for. Two were to be chosen at the outset (as hereinafter stated) and others were to be added whenever the active board of editors should so decide. The office was to be an honorary one for men who had greatly distinguished themselves in the Hispanic-American field, but who were unable to devote their time to the publication of the Review. They were to be consulted by the active board on matters of importance, and their suggestions were to be received at all times with due respect and attention.

While the Review was not published as early as January, 1918, no objection was made by members of the two committees or by the guarantors to a later start. In any event, February was deemed a better month in which to begin, because it would mean that the subscribers might receive the Review in a different month from those in which the other leading history quarterlies arrive, besides which it would enable the complete volume to coincide with a given year. On account of the war some favored a long postponement of publication, but it was at length decided to issue the first number under date of February, 1918. It was agreed that the managing editor should receive a salary of one thousand dollars a year. There were to be no other salaried officers and no allowances for traveling expenses, but all inci-

dental expenses for necessary office supplies, etc., were to be met from the funds of the Review. Articles and other matter were to be paid for at the rate of two dollars a printed page.

Finally, the Committee on Organization agreed that the Committee on Nominations should not only nominate the first Board of Editors (active and consulting), but that election should be determined by the mere fact of acceptance of the nomination. On December 2, 1917, the Chairman of the Committee on Organization (who was at that time in California) wrote to the Chairman of the Committee on Nominations announcing the posts for which names were desired. The report of the latter committee was made at a meeting of those interested in the new Review, which was held at Philadelphia (December 29) during the annual conference of the American Historical Association, and was as follows:

On notification from the Committee on Organization that the Committee on Nominations was desired to name a Board of six editors and two Advisory Editors, the Committee on Nominations reports as follows:

Board of Editors: Charles E. Chapman, Isaac J. Cox, Julius Klein, William R. Manning, James A. Robertson, and William Spence Robertson.

Advisory Editors: Herbert E. Bolton, and William R. Shepherd.

J. F. JAMESON,
[SIGNED] JUSTIN H. SMITH,
FREDERICK J. TURNER.

On motion duly seconded, the report of the Committee on Nominations was adopted as read, and the secretary of the meeting (the Chairman of the Committee on Organization), by virtue of the double authority vested in him, informed the nominees of the action of the Committee on Nominations, it being understood that election to the positions covered by the nominations should be contingent on the acceptance of said nominations. Upon the acceptance of the nominations by the several nominees, the Committee on Nominations, in accordance with the terms of its appointment, ceased to exist.

The Committee on Organization, acting through its chairman, contracted with the Waverly Press of Baltimore to publish the

Review, and the material for the first number was, accordingly, sent to the said company. At the meeting in Philadelphia above-mentioned, a brief report was made of the operations of the Committee on Organization by its chairman. On vote of the Board, Doctor James A. Robertson was (in February) elected managing editor. With this, it may fairly be said that the HISPANIC AMERICAN HISTORICAL REVIEW had become definitely established. While it is probable that reports will be given from time to time with regard to its inner progress, that is a matter that lies in the decision of the managing editor and the board.

CHARLES E. CHAPMAN.

APPENDIX

Excerpts from letters to Charles E. Chapman in December, 1916.⁴

"I am glad to hear that a plan is on foot to found an Ibero-American Historical Review. Aside from the service which such a Review can render to students of history in the United States, it also will serve to arouse a deeper interest in the development of Latin-American countries and will serve as a means of fostering closer intellectual and cultural ties with these countries. The founding of such a Review will, I am certain, be received with great satisfaction throughout the countries of Latin America."—L. S. Rowe, University of Pennsylvania. The testimony of a man so highly esteemed in South America as Professor Rowe is decidedly worthy of consideration.

"The project seems to me extremely desirable and I shall be glad to coöperate in any way in helping make it a success."—Hiram Bingham, Yale University. Professor Bingham went on to say that he himself had proposed a similar project a few years ago.

"Needless to say I am heartily in favor of the plan of launching an Ibero-American Historical Review. I have long been convinced of the desirability of such a publication and the present time seems particularly opportune for making the venture. I shall be glad to further the plan

⁴ In the circular letter sent out by the writer the terms "Ibero-American Historical Review" and "Latin America" were used. This helps to account for their employment in many of the replies.

in every possible way, even to the lending of a certain amount of financial assistance."—P. A. Martin, Leland Stanford Junior University. This letter is inserted as characteristic of the enthusiasm with which the project was received by the younger men in the Hispanic-American group of our historians. It will be noticed that Doctor Martin's name appears in the list of donors to the Review.

"I believe in the project for the *Ibero-American Historical Review*, and feel sure that if it is properly planned, manned, and supported, it will be a great force in the development of the vast field of Spanish-American history which is so insistently claiming the attention of American scholars. What is most needed now is a good journal, to serve as a focal point for the interests of all students in the field, European, Anglo-American, and Latin-American. It should provide a place for articles, reviews, news, notes, documents, and, especially, bibliographical and archival lists."—Herbert E. Bolton, University of California. The need and the function could hardly be stated more clearly than this.

"I want to support the idea enthusiastically. Any means of forming a bond of sympathy between the history people of the two continents ought to have wholesome backing from North American students. Our men here like the idea. Professors Bolton and Stephens have already written to you, but let me assure you that some of the younger men [naming five] join with me in hoping for the enterprise a prompt and successful initiation."—Herbert I. Priestley, University of California. This letter is inserted to call attention to the fact that there are a number of younger men in the country writing masters' and doctors' theses, some of whose work would occasionally merit inclusion in the Review. This means help to the Review and encouragement to students.

"To say that the project to found an 'Ibero-American Historical Review' interests me is putting the case mildly . . . The scope might well be extended so as to embrace the history and institutions of Spain and Portugal. Indeed it might be broadened enough to provide a field of study for contemporaneous Spain, Portugal and Latin America, affording space, not only for articles on present-day conditions, political, social, economic, and intellectual, but for a record of current events, and for lists and reviews of works dealing with the various themes, both

of the last two items in particular being very difficult to find. My idea in brief, then, would be to have the new journal represent Spain, Portugal and their national descendants in America to the educated English-speaking world, to serve as a sort of intellectual clearing-house, in a way no existing periodical does. It ought to describe them not only as they have been, but as they are. . . . So far as I am aware, periodicals printed in English and dealing with Latin America are not only silent about Spain and Portugal, but they give scant heed to the history and institutions of the Latin-American countries themselves. . . . We need in this country an agency of information which will supply both to the student and to the general reader items that will awaken interest and hold it."—William R. Shepherd, Columbia University. The above is only one of a number of letters since written by Professor Shepherd in which the most helpful suggestions are made and emphasis is placed on the importance of founding the proposed Review. The following excerpt from one of them, coming as it does from such an authority as Professor Shepherd, is particularly worthy of presentation. "No area on earth is likely to have a more conspicuous place in the international affairs of mankind than that of the twenty southern republics; and no foreign power can have a more immediate interest in them than the United States." It is with regret that the writer feels unable to insert more of Professor Shepherd's words on the subject, for they constitute, he believes, the strongest argument he has seen of the need for the new Review. It may also be pointed out that Professor Shepherd's name appears in the list of donors to the Review.

"This project is a very interesting one, and it may be that I will be able to be of some assistance to you when it is finally formulated."—Willard Straight, New York City. Mr. Straight has generously subscribed five hundred dollars.

"I am naturally interested in the proposed publication referred to . . . I should be glad to learn more of your plan if, as I imagine, it has in some measure taken form."—Archer M. Huntington. At the time, the project could hardly be said to have taken form. It is now an accomplished fact.

"It is impossible for the Pan American Union, or for myself as its head and, therefore, an international officer, to endorse any project

whatever. . . . I can say however, that the general idea which you outline of a quarterly interests me, and, speaking from hasty judgment, I think it is a field which would be appreciated by a considerable constituency. If you go ahead towards the realization of your plan, I am quite sure that all of us connected with the Pan American Union will be glad to give you such aid as we consistently can. . . . I want to see you succeed."—John Barrett, Pan American Union.

"Such an enterprise, in my opinion, would surely contribute substantially to improve Latin-American relations with the United States by affording a common vehicle for the publication of historical articles and discussions in which all the peoples of America have an interest. It is gratifying to learn that many Latin American scholars have already given assurances of support, and I have no doubt of the success of this quarterly when once launched."—W. G. McAdoo, Secretary of the Treasury.

The following letter to Doctor James A. Robertson dated June 2, 1917, may also be inserted: "It gives me pleasure to inform you that I have read with great interest the minutes of a conference on the foundation of a Journal of Latin-American History, held at Cincinnati, December 29, 1916, and wish to say to you that I believe that a Journal of Latin-American History would be of great benefit, both to the scholars of this country and to those of Latin America. It would also serve the purpose for which all of us have been striving both in the past, and, particularly, in the present, namely the foundation of closer relationship between all of the Americas."—Robert Lansing, Secretary of State. A letter of the writer to Mr. Lansing was mislaid. It is interesting to observe that the Secretary of State wrote, some six months afterward, when the writer's letter was discovered, that he would be glad to speak a word for the Review, if it were not too late. The above document was the result. It is also worth while to note that Mr. McAdoo and Mr. Lansing were the only United States officials who were asked to make a statement with regard to the project—with the exception of President Wilson. The letter of our president, published elsewhere in this number, is enough in itself to justify the appearance of the Review and to entitle it to the encouragement and support of high-minded Americans.

THE INSTITUTIONAL BACKGROUND OF SPANISH AMERICAN HISTORY¹

Spain retained and governed her vast colonial empire in America for three centuries. That fact alone is notable. It is generally conceded by historians that there were grave defects in the Spanish system of administration. Nevertheless modern research is constantly more emphatically revealing the fact that, considered from many viewpoints, Spain's colonial government was no less adequate, and, in fact, was much more carefully planned than those of her contemporaries. The chief cause of her decline as a colonial power was actually the universal abandonment of the policy of commercial monopoly and the advent of an era of free trade, which meant the admission of all nations on competitive terms to the colonial markets of the world, and it brought with it new ideas, the fermentation of which meant the intellectual and political awakening of the new world. Spain's failure to learn the lessons which the revolt and loss of England's American colonies taught the latter nation, together with the individual inefficiency of the Spaniard from a mercantile standpoint were important factors which contributed to Spain's decline. Aside from all questions of controversy, two facts stand out most prominently. Spain's rule, however inefficient, continued three centuries, and the political and social structure of present-day Spanish America is largely the outcome of this long period of Spanish administration. The social, cultural and political contributions which Spain made to Hispanic America, her one-time colonies, have not been taken into account sufficiently by those who have attempted to solve the problem of our political and commercial relationship with the nations to the south of us. As a basis for a proper understanding of the fundamental present-day problems arising

¹ Read before the American Historical Association, at Philadelphia, December 29, 1917.

in Spanish America, it behooves us to examine more closely the basic principles and institutions existing there. Such a study will always lead us back to Spain and the contributions which were made by that nation to her former colonies.

The government which Spain established in America was admirably suited to the problem which confronted her there. It is certain that Spain put into operation within a short time a more finished and successful scheme of government than did any colonizing nation in any other part of the world. This may be accounted for by the fact that, before Spain embarked on a career of colonization, she had developed laws and institutions at home which were suited to the solution of colonial problems and she had no more to do than to inaugurate them in the colonies. The political events and tendencies in Spain from the year 800 onwards, and especially the necessity of governing frontier provinces, developed institutions which were well adapted to colonial rule. The acquisition of over-seas possessions was only a part of Spain's expansion, political and territorial, and their administration presented problems but little different from the government of her own frontier. It will be the main purpose of this paper to attempt a general survey of the institutional background of early Spanish colonial history, and to note briefly the origin and development of the institutions which were put into operation in America in the early period and the circumstances and events which called them into being.

The period from 800 to 1200 in Spanish history witnessed the presence of four important political factors. These were the royal power, the nobility, the municipalities, and the church. Each of these played an important part in the events of this period and in them we may recognize the progenitors of fundamental institutions which were established in America. Characteristic of this period especially was the growth of the royal power in Castile. The authority of the king began as early as the eighth century when he was recognized by his contemporaries as the most powerful noble. By a process of the survival of the fittest and of natural accretion of power, the ruling families of Castile, Leon, Navarre, and Aragon were singled out as the pre-

eminent leaders in their particular provinces. Thus the king of Castile, in addition to being recognized by most of the nobles as their overlord, had his own domains (*realengas*) in which he exercised the same kind of proprietary sovereignty as the nobles on their estates. The outlying royal territories, as they increased in size and number, and as the sovereigns became more sure of their heritage, were divided for administrative purposes into royal districts called *mandationes*, with a count, appointed by the king, as administrative head of each. These counts were the first officials with administrative, judicial and military functions to represent the king at the head of frontier districts and provinces. Their duties were chiefly military, and these counts were frequently obliged to go beyond their own frontiers in the interest of the extension of the royal power. The great drawback, however, from the viewpoint of the king, consisted of the fact that the only class from which these officials could be enlisted was the noble class. In fact, they showed themselves to be more faithful to the aristocratic element than to the royal interests, and for this reason the counts were replaced by royal officials called *adelantados*, who were more completely dependent on the royal power than their predecessors had been. Antequera fails to give the date for the inauguration of this reform, but since the Council of Leon of 1020 defined the jurisdiction of the frontier counts, we know that the *adelantados* were substituted for these officials at some subsequent date.²

The nobles of Asturias, Leon, and Castile sought as best they could to maintain their independence of the king in the early centuries of Spanish history. The relations of these nobles to the monarch were semi-feudal.³ They were necessary to the king for

² Antequera, *Historia de la legislación española* (2d ed., Madrid, 1884, pp. 128-131. Pérez y López, *Teatro de la legislación de España y Indias* (Madrid, 1791-1798, 28 vols.), II. 248.

³ Professor Altamira points out that there never developed a hierarchical feudal organization in Spain such as existed in Germany and France. In Aragon and Catalonia a certain type of feudalism prevailed which resembled in many respects that which obtained in other parts of Europe, but the king was unable to exercise authority there until after the age of feudalism had passed away. See Altamira, *Historia de la civilización española* (Madrid, 1861-1872), I. 314-315.

the defense of his domains against the encroachments of the Moors, and the king had to concede extensive powers to them in exchange for their support and allegiance. They were practically supreme within their own dominions: they collected tribute, accepted personal service, and administered justice, aided the king in war and were subject to forfeiture of estate only in case of treason or rebellion. They were practically absolute over their vassals, but the king, even in this early period, preserved the right to judge in cases of dispute between them. In 1020, at the Council of Leon, the monarch recognized the right of the nobles to administer justice in their own domains, but this was in the nature of a royal concession and was not recognized as an inherent right of the nobles themselves.

The ecclesiastical organization was already well developed at the beginning of the period under discussion. The bishops and abbots exercised a feudal tenure on their estates, exercising there temporal as well as spiritual jurisdiction. The ecclesiastical dignitaries ruled within their dominions with the same degree of absolutism as that of the nobles on their feudal lands, collecting tribute and administering justice. In return for the feudal privileges which were conferred upon them, the bishops sent their vassals to war and they themselves often rode at the head of their troops in the battles against the infidels. There was little or no royal interference with the ecclesiastical jurisdiction, but there existed, nevertheless, the nominal condition of the king's headship of the church which set the precedent for, and doubtless contributed later to, the status known as the royal ecclesiastical patronage.

The fourth power, against which the royal authority was obliged to make headway, and that which contributed most to the development of local governmental and judicial institutions was the *villa*. The *villas* were towns organized as checks to the rival power of the nobles, founded by persons who wished to escape the exactions of the latter. They were given charters by the king, and these charters varied according to local needs and conditions. These were the early Spanish municipalities. Each had an assembly with legislative, judicial, and administrative

faculties. The citizens of these towns elected judicial officials whom they designated as *jueces* or *alcaldes*. The municipalities were not always favorable to the royal power and they were kept in direct relationship with the court by the visit of a royal official whose duty it was to correct abuses and hear cases of appeal in the name of the king. When the Spaniards conquered Cuba, Mexico, Peru, and the Philippines, municipalities were established there with all the offices and characteristics of Spanish municipalities of the pre-colonial period. Likewise, as we shall see, the inspectors who visited the municipalities in the royal name coincided in all ways with the visitors or royal inspectors in the colonies.

It was during the great Christian conquests of the twelfth and thirteenth centuries, that a definite judiciary culminating in a royal *audiencia* was perfected. This was a period of royal consolidation and centralization. The nobles conceded the majority of their governmental prerogatives to the increasing royal authority, and the ecclesiastical jurisdiction was confined, in theory at least, to spiritual matters. The municipalities developed a system by which they regularly elected their *regidores* (councillors) and their *alcaldes*, with judicial, legislative, and executive attributes, submitting at the same time to the inspection of the king's visitor.⁴ It is clear, therefore, that the royal jurisdiction was recognized during this period, with the king at the head of the judicial and administrative system.

The statement was made above that some time after the Council of Leon, the frontier counts were replaced by royal governors who were known as *adelantados*. The earliest regulations which apply to these officials were the "Laws of the *Adelantados Mayores*"

⁴ The Council of Leon gave the king the right to name royal judges in the municipalities, but at the same time the municipalities were conceded the right to exercise judicial and legislative functions and the right to elect their own magistrates. The royal municipal judges were doubtless the forerunners of the *Alcaldes Mayores* (see Desdevises du Dezert, *L'Espagne de l'ancien régime—les institutions*, pp. 151-154). It was always with great reluctance that these *fueros* were conceded (Antequera, pp. 128-129; Danvila y Collado, *El poder civil en España*, I. 169-176, 263-265).

of 1255 and 1274.⁵ These enactments defined the duties of no less than three types of *adelantados*. The frontier *adelantado* has been noticed in this paper already. The provincial *adelantado* was mentioned in the law referred to as having been in charge of the larger and nearer provinces of Castile, Leon, Navarre, and Galicia. He was at the same time provincial governor, judge, and captain-general. Possibly the most far-reaching and characteristic feature of this office was the requirement that the *adelantado* should be accompanied on his tours of inspection by *letrados* or *asesores*—men of legal training, who should advise him in all questions of law, and assume responsibility for all his official acts of an administrative or judicial character. The *adelantados* were not trained lawyers or administrators, but soldiers—the predecessors of the colonial captains-general. They were empowered, however, to render legal opinions and dispense justice on the advice of, and by the assistance of the *letrados*. The *asesor* or *teniente letrado* played an important rôle subsequently in the administration of justice in the colonies. Supported and accompanied by one of these lawyers, a governor, a captain-general, a viceroy, an intendant, or an *alcalde mayor* who was not familiar with the law or with legal procedure, rendered decisions in cases wherein affairs of momentous import were involved. He acted without responsibility, entirely on the authority of his legal assistant, who had to answer in the *residencia* for all administrative acts or judicial decisions made in pursuance to the advice given.⁶

The third type of *adelantado* specified in the ordinance of 1274 was the *adelantado mayor*. This magistrate, in contradistinction to the provincial *adelantado*, was a lawyer, and his activities were confined exclusively to the exercise of judicial functions. He was not accompanied, therefore, by an *asesor*. He was a peregrinating magistrate, holding court in different parts of the

⁵ Antequera, page 245 (and 1st ed., p. 203). The *Ordenamiento Real* and subsequent laws treating of the *adelantado* may be noted in Pérez y López, *Teatro*, pp. 249–258; see also Antequera, pp. 216–217.

⁶ *Novissima Recopilación de las Leyes de España*, Lib. 11, tit. 16, ley 9. See also Escriche, *Diccionario razonado de legislación y jurisprudencia* (3d. ed., Madrid, 1847, 2 vols.), I. 352.

kingdom. Finally, he was frequently designated for special service as *adelantado mayor* from a higher tribunal of which he was a magistrate, and this tribunal was called the *curia*, or *cort del rey*, which was the forerunner of the royal *audiencia*. Cases appealed from the provincial *adelantados* were tried by the *adelantado mayor*, and from him they could be carried still higher to the tribunal just mentioned, at the head of which sat the king. The position of the *adelantado mayor* was that of an intermediary between the provincial and municipal judges and the king. As long as the latter had to give his personal attention to the hearing of appeals, it was imperative that some limitation should be placed on the number of cases coming before him. This was the function of the *adelantado mayor*. This magistrate was in reality a judge of the first royal *audiencia* of Castile, and his designation to try cases in the provinces was identical in character with the subsequent designation of magistrates of colonial *audiencias* to try cases and conduct special investigations.

This tribunal was called an *audiencia* because the king gave audience therein, and from it and around it developed the centralized system which was later to administer justice in Spain and in the colonies. It first exercised jurisdiction in Castile and Leon, and later in Andalucía. The king gave three days a week of his personal attention to this tribunal at first. It was the royal *audiencia*. The time soon arrived, however, when he could not devote so much of his time to matters of individual justice, and in proportion as this was the case did the powers and importance of the judges who composed this court increase. Ferdinand VI. and Alfonso XI. were only able to give one day a week to the *audiencia*, in 1307 and 1329 respectively.

The creation and growth of judicial and administrative institutions in Catalonia were parallel with those of Castile. The eleventh century saw *audiencias*, municipalities, and above all, a powerful nobility, but this province was independent of Castile during a period of four centuries. The *audiencias* of Catalonia were composed of ecclesiastical and secular judges appointed by the counts of Barcelona, and authorized by them to render sentence. Without going into further detail with regard to matters

of provincial administration, in Spain, it is sufficient to say that certain institutions of justice and administration developed in common throughout the Peninsula, and that by the end of the thirteenth century political and judicial administration had come to be controlled by a central authority whether in Castile or in Catalonia. In the Ordinance of Toro, in 1369, we find mention of four grades or instances for the administration of justice in Spain. The lowest category was occupied by the *alcaides ordinarios* of the municipalities. We have noted already that these were local judges, with original jurisdiction, and dependent on the municipal councils. The *merinos*⁷ exercised royal and original jurisdiction in certain feudal districts and provinces where there were no municipalities. The *adelantados* heard appeals from the *merinos* and *alcaides mayores*. These officials, it must be remembered, exercised administrative functions as well as judicial authority, and for the latter work they were accompanied by *asesores*, or legal assistants. The next step in the hierarchy of justice and administration was occupied by the *adelantados mayores*, who stood between the *adelantados*, on the one hand, and the king's tribunal on the other. The king and royal audiencia constituted the final court of appeal.

Before passing to a consideration of the institutions of the later periods, it is fitting to note the existence at the close of the fourteenth century (1369) of four officials who assumed a prominent part in Spanish domestic and colonial administration. The *alcalde mayor* appears first in 1371, as a royal municipal judge.⁸ He differed from the ordinary *alcalde* in that he derived his power from the king instead of the municipality. The *corregidor* appears at the same time as a royal judge, unassigned to any particular province, but empowered to make reforms and correct abuses in the name of the king. As is well known, both these offices were carried to the colonies, both being agents of

⁷ See Escriche, *Diccionario*, II. 583.

⁸ Altamira, II. 47; Desdevises du Dezert, pp. 151-154. There appears to have been little or no difference between the *alcades mayores* of the fourteenth century and the royal judges of the towns recognized in the Council of Leon in 1020. It appears that the idea was the same, namely, to conserve and represent the royal authority in the municipalities.

centralization, though in the colonies the *alcalde mayor* was a provincial official and not municipal. Another official of importance whom we note with well defined powers in the fourteenth century was the *pesquisidor*.⁹ He was a royal investigator, usually of higher rank than the *corregidor* and delegated from some higher tribunal. This official may be considered as the forerunner of the *pesquisidor* of the colonial era. Lastly, the *oidor* (hearer) or judge-letrado of the audiencia should be noted as a product of the fourteenth century. He was a trained magistrate and for the exercise of his office the highest qualifications were necessary. He was a permanent member of the tribunal and he left it only when delegated to go on a tour of inspection with a special commission as *pesquisidor* or visitor of the provinces in the king's name.

It is wellknown that the period from the eleventh to the fifteenth century was an important one in the formulation of Spanish law as well as in the development of institutions of government. First there were the Visigothic codes, whose significance as the basis of Spanish law is well known. Various important contributions were made by the Council of Leon in 1020, and by the numerous *fueros* which were issued subsequently, especially the municipal *fueros*, in the eleventh and twelfth centuries. Of great significance, also were the other enactments of the thirteenth century, especially the *Fuero Real* of 1255 and the *Siete Partidas* whose codification was begun the following year, and finished in 1265. Most important among the subsequent decisions and enactments incorporated into the body of Spanish law, were those of the Cortes of Zamora in 1274, the Cortes of Segovia in 1347, the Ordinance of Alcala in 1348 and those of Toro of 1369. The outcome of all these, together with subsequent royal decrees and judicial decisions of the fifteenth and sixteenth centuries was the *Recopilación* of Castile, which was published first by Philip II. in 1567.

⁹ *Novissima Recopilación*, lib. 12, tit. 24, *leyes* 1 and 2 were a part of the *Fuero Real* of 1255. This would show, of course, that the *pesquisidor* antedated the fourteenth century. *Leyes* 3 and 4 of the same title were promulgated in 1325 and 1369 respectively, and they outline with considerable detail the method of conducting *pesquisas*.

This code constituted the basis of colonial law for a century and a half. The Code of the Indies was brought together in 1680, embodying royal decrees, judicial decisions, and *autos acordados* in regulation of colonial affairs for a period of a hundred and fifty years. Notwithstanding the promulgation of these special laws, the Code of Castile remained the foundation of legal procedure for the colonies until the end of Spain's rule.

The most notable institutional development in the fourteenth century was the growth of the institution of the *audiencia*. Enrique II. increased the number of *letrados* in the tribunal of Castile, and added seven *alcaldes* with criminal jurisdiction. These latter did not have the rank and status of *oidores*, and were without jurisdiction over civil suits or questions of the interpretation of the law. This same king, by the Ordinance of Toro, raised the audiencia to the rank of a chancery, that is, a superior tribunal of appeals, with the arms and seal of the king. Enrique sought to expedite the administration of justice and to improve the territorial arrangement by ordaining that the audiencia should hold sessions at Segovia and Seville, respectively. This was to be accomplished by dividing the tribunal into two sections. In 1383, Juan I. added the important office of *fiscal procurador* to the personnel of the audiencia of Castile. It was the function of this official to prosecute cases in behalf of the crown before the audiencia. Though he was subordinate in rank to the *oidores*, the diversity of the duties thrust upon the *fiscal* from time to time made him the most versatile, if not most important, official in the judicial system. In 1383 the monarch was excused from the obligation of affixing his signature to the provisions of the audiencia, and he was also relieved at this time of the necessity of personally attending the sessions of the tribunal. The signing of decisions thereafter devolved upon the *oidores*, hence the necessity for the retention of the royal seal by the tribunal. The matter of residence was again altered in 1387, when it was arranged that the tribunal should hold sessions three months a year in each of the following towns: Medina del Campo, Olmedo, Madrid and Alcala de Henares. Two years later, noting the evil effects of the peregrinations of the audiencia, Juan I. decreed

that its residence should be fixed at Segovia, and thereafter it was a territorial tribunal, attached to one city and province. In 1442, the audiencia of Castile was ordered to hold its sessions in the city of Valladolid, which was thereafter the capital city of Spain, the jurisdiction of the court ultimately being limited to Castile.

Other tribunals were created for the administration of justice in the remaining provinces as need arose. The sixteenth century saw tribunals functioning in Valladolid and Granada. These had the rank of chanceries (*chancillerías*).¹⁰ There were audiencias in Galicia (Coruna, 1563), Seville, the Canaries and Mallorca.¹¹ These latter tribunals were territorial and were co-equal in rank and authority, with appeal to the Council of Castile or to the appropriate chancery.¹² During this same century, colonial audiencias were established in Santo Domingo, Mexico, Peru, Panama, Santa Fe, and Guadalajara, and these occupied the same relation to the Council of the Indies as the peninsular audiencias bore to the Council of Castile.

The predecessor of the Council of Castile, which came to be the high court of appeal in Spain, with jurisdiction over all the audiencias, was created in 1367.¹³ It was first known as the *Consejo Real* (Royal Council) and was composed of the king's confidential ministers who sat in session with the monarch himself. The jurisdiction of this council, as first established, was limited to administrative matters, while the *curia* or *audiencia* of 1274 exercised the supreme judicial authority. Juan II. increased the membership of the Royal Council, and divided it into two *salas*, one *sala* being for the determination of administrative matters, and the other, with sixteen members, for the trial of judicial cases appealed from the audiencias. The tendency and temperament of this tribunal, however, seem to have been aristocratic rather

¹⁰ *Novissima Recopilación*, lib. 5, tit. 1, ley 1.

¹¹ *Novissima Recopilación*, lib. 5, tits. 2, 3, 4, 5. The *Recopilación* gives only the date of the re-establishment of the Audiencia of Mallorca.

¹² *Novissima Recopilación*, lib. 5, tit. 1, leyes 8 to 32, tit. 38, 42; lib. 5, tit. 5, ley 1.

¹³ *Ibid.*, lib. 4, tit. 3, ley. 1. See Desdevises du Dezert, *Espagne de l'ancien régime—les institutions*, pp. 59–60. The last mentioned authority gives the year 1385 as the date of its establishment, citing Antequera (*Historia de la legislación*, p. 344).

than juristic, and in order to remedy this defect the Catholic Monarchs added more lawyers (*togados*) in 1480 and relegated most of the nobles to the category of military and honorary members (*de capa y espada*). The council participated in both administrative and legal matters. The monarch nominally gave one day a week to personal attendance on the sessions of this tribunal. After 1480, the Council met in various sections or *salas*, one for the consideration of general administrative affairs, one for judicial matters, another for provincial administration, and one for financial affairs. Another tribunal of importance which was founded during this epoch was the Supreme Council of the Inquisition, and this came to have jurisdiction ultimately over subordinate commissaries and tribunals both in Spain and in the Indies. The Royal Council continued, as reformed by Ferdinand and Isabella, until 1586, when it was modified by Philip II., who raised the legal requirements for membership and added as an adjunct to the tribunal in 1588, the important *Cámara* of Castile.¹⁴ This was "a special Council of persons of whose zeal and Christianity there is much satisfaction", who were to have special jurisdiction over judicial and ecclesiastical affairs. In the words of the royal decree, this council was given authority over "all the affairs pertaining to my royal patronage of the church, in these my royal dominions of Castile, and in the kingdom of Navarre and the Canaries, of whatsoever character they may be, matters of justice as well as of grace, and also that which pertains to the provision and nomination of persons for the places of my councils, of the chanceries and other audiencias of these dominions and of their functions of justice". The *Cámara* was empowered to intervene and suspend the trial of a case before the *audiencia*, a thing which it rarely did, and it exercised jurisdiction over *recursos de fuerza* against ecclesiastical judges; it had the right of trying cases appealed from audiencias, it settled conflicts of jurisdiction and boundaries between provinces, had charge of appointments to offices and it examined and passed finally upon the *autos de residencia* of *corregidores*, *alcaldes mayores* and of other royal officials.

¹⁴ *Novissima Recopilación*, lib. 4, tit. 4, ley 1.

Aside from its judicial functions, the principal attributes of the *Cámara* of Castile were ecclesiastical. As a government agency it had to procure for the observance of all the rulings of the Council of Trent, it exercised supervision over the settlement and administration of the estates of prelates, the retention of bulls and apostolic briefs, the occupation of ecclesiastical benefices, banishment, the extirpation of vice, the punishment of crimes, and over all questions involving the moral uplift of the religious orders. The *cámaras* was empowered to enact such measures as would assist the provincials and prelates in the fulfillment of their ecclesiastical obligations, it exercised authority over all questions of the extension of the ecclesiastical influence, the occupation of new provinces by the orders, and the transfer to the secular church of districts formerly occupied by the missionary orders. In a word, the *Cámara* of Castile was the tribunal through which Spain exercised temporal jurisdiction over the church. This body constituted, in fact, the most important organ of the Council of Castile, and the relations of this section of the supreme tribunal to the audiencias of Spain formed the precedent for the relationship of the *Cámara* of the Council of the Indies to the colonial audiencias.

The latter tribunal for supervision over colonial affairs was in a sense an outgrowth of the *Casa de Contratación* (House of Trade) which was originally entrusted with the administration of political as well as commercial affairs in the Indies, subordinate to the Council of Castile but the duties of this office were rapidly seen to be too extensive for this commercial tribunal. So in 1524 the Council of the Indies was created,¹⁵ as the law of establishment

¹⁵ *Recopilación de leyes de los reinos de las Indias*, lib. 2, tit. 2, leyes 1 to 4, 13 (that the laws of the Indies conform to those of Castile). Relative to the date of the establishment of the Council of the Indies there has been some conflict of opinion, and concerning this Bancroft (*History of Central America*, I. 280) has this to say in a note: "Prescott (*Ferdinand and Isabella*, III. 452) says, copying Robertson (*History of America*, II. 358) that the Council of the Indies was first established by Ferdinand in 1511. Helps (*Spanish Conquest*, II. 28), drawing a false inference drawn by Herrera, ii, ii (sic), xx, who makes the date 1517, goes on to describe a council for Indian affairs, dating its organization 1518, and of which Fonseca was president and Vega, Zapata, Peter Martyr and Padilla were members." Escriche, *Diccionario*, I. 578, says that this 'had its beginning' in 1511.

stated, on the model of the Council of Castile, and later (1600) the *Cámara de Indias* was organized with the *Cámara* of Castile as a pattern.¹⁶ While the *sala de gobierno* of the Council of the Indies attended to administrative, military and financial matters, through its respective committees (of government, war and finance) the *Cámara* of the Indies heard all legal cases appealed from the colonial audiencias and made decisions largely in pursuance to the advice of the *fiscal*, whose office was patterned after that of the *fiscal* of Castile. Like the *Cámara* of Castile, that of the Indies exercised decisive authority in matters of appointment, and had cognizance, generally, over ecclesiastical affairs.

An important power which was exercised by the Council of Castile in the sixteenth century and assumed by the Council of the Indies immediately on its establishment (semi-legislative), was that of enacting *autos acordados*. These were enactments of a semi-administrative, semi-legislative character, similar in many regards to the *décrets* issued subsequently by French administrative councils and executives. It is notable, too, that this power of legislation was exercised by the colonial audiencias, but never by those of Spain, the jurisdiction of the latter tribunals being confined only to affairs of justice. Solórzano, in his *Política Indiana*, devotes a chapter to showing the differences between the powers of the audiencias of Spain and those of the colonies.¹⁷ The latter had the right of intervention in ecclesiastical and military affairs, finance, commercial and political administration, and even at times, they succeeded to the government on the death or absence of the governor or captain-general. A number of reasons existed for this disparity of power: from the very beginning, and certainly before the audiencias were established in Spain, the

It is nevertheless certain that the first step toward the establishment of the Council of the Indies was taken in 1511 when a separate committee of the Council of Castile was designated to supervise the administration of colonial affairs.

¹⁶ Solórzano, *Política Indiana*. II. 270-283.

¹⁷ It is of course unnecessary to add that there were factors other than the commercial operative in the downfall of Spain's colonial empire. The fundamental defect was the projection of the narrow spirit of monopoly and unprogressiveness, which were the keynotes of her commercial system, into cultural, political and religious life.

municipalities and the nobles exercised powers of local legislation. Subsequently the various councils and the *cortés* itself legislated for the king. With legislative and administrative bodies, local and provincial, already established, there was little opportunity and no real need for these judicial tribunals to assume the powers of legislation. But in the colonies it was otherwise. There were few towns, and those were widely separated; the audiencias were the sole institutions whose members had the requisite experience and ability to advise the governor in administrative affairs, or to assume the government in case of a vacancy. Once assumed, this power was not willingly ceded, especially when this well-selected and administratively efficient body of magistrates managed affairs better than a governor, captain-general, or viceroy, whose only preparation for office was military training and experience. So it came about that from the sixteenth to the eighteenth century a large number of extraordinary and unforeseen duties, governmental, administrative, and ecclesiastical, came to be the concern of the colonial audiencias, owing largely to the impossibility of referring matters to Spain and because the audiencias themselves were royal tribunals, composed of magistrates of rank, talent, education, administrative ability, and experience, who were better fitted to assume control than other authorities. In this particular, it cannot be said that the colonial institutions were influenced by those of Spain.

The commercial machinery which Spain inaugurated in her colonies was never so successful as her political institutions. While preparing herself for colonial empire, in the period from 800 to 1500, she did not make corresponding progress economically. During the centuries of warfare against the Moors, Spain grew to honor the knight and the missionary and to scorn the merchant and the worker. Commerce, banking, and industry were left to the Jews, the Moors, and the Moriscoes. When these classes were expelled, the Spaniards remained practically without commercial experience, and they were unprepared to take the places of those driven out, either in trade or in production. It resulted, therefore, that their inaptitude in commercial matters had to be bolstered up and protected by a system of government

monopoly, which could only thrive on a non-competitive basis, and which left the individual merchant as helpless in the eighteenth century as he had been in the sixteenth. But the bars had to be let down ultimately, and an age of free trade was ushered in. Spain could not compete with the merchants of Holland, England, and France, whose superiority consisted in individual efficiency and co-operative organizing-power. Spain adhered to her antiquated commercial laws and practices, because they had succeeded in a former age. She was incapable of readjusting her system and this unprogressiveness and its consequences cost her an empire.

The period from the eighth to the sixteenth century may be considered, therefore, as the schooling time of Spain in colonial administration. It was during this epoch that she received the training which fitted her to assume within a short space of time the management and government of a vast colonial empire. The problem of controlling her frontier provinces prepared her to govern exterior possessions and though the latter were actually further away than her own frontiers, the problem of government was but little different, and the matter of readjustment was a comparatively easy one. The *adelantados* became colonial governors and captains-general; municipalities were established in the distant colonies; subsequently the institution of the *audiencia* was transferred to the colonies with powers adjusted to the new problems; the ecclesiastical machinery was also transplanted, with the same relationship prevailing between it and the civil government as had existed in Spain. Above and over all, the Council of the Indies exercised supreme jurisdiction, and all the powers of civil and ecclesiastical administration were centered in this tribunal.

CHARLES H. CUNNINGHAM.

THE DELIMITATION OF POLITICAL JURISDICTIONS IN SPANISH NORTH AMERICA TO 1535¹

The delimitation of political jurisdictions in Spanish North America prior to the establishment of the first viceroyalty has never been satisfactorily treated. Many of the facts bearing upon this subject have been obscured and positive errors committed by Herrera, Helps, Bancroft, and later writers; other facts are now established through sources which have not been used or which only recently have been made available. For instance it is now clear that the provinces granted to Nicuesa and Ojeda were not Castilla del Oro and Nueva Andalucía—the commonly accepted statements to the contrary; that Castilla del Oro, when finally so-named and delimited, actually embraced Nueva Andalucía as one of its provinces; that the great Balboa was in the employ of Governor Pedrarias months after the date usually assigned for his execution by that official; and that New Spain, as originally founded and granted, was quite different territorially from the New Spain as later delimited and still later administered by the first and second *audiencias*. It is the purpose of this paper to define the several political jurisdictions that were established, or granted, on the mainland prior to 1535, to indicate changes made in those jurisdictions, and to sketch the political readjustments resulting from such changes.

I. ESPAÑOLA AND THE FOUNDING OF CASTILLA DEL ORO, 1492–1524

The history of Spanish settlement in the new world began in the winter of 1492–1493. In January of that winter Columbus left part of his force at La Navidad on the northern coast of the island of Espanola and returned to Spain for reinforcements. During the nine months of his absence La Navidad was destroyed, and it

¹ Read before the American Historical Association, at Philadelphia, December 29, 1917.

was not until 1496, after the abandonment of Isabella in the north, that the first permanent settlement in the new world was established at Santo Domingo on the southern coast of the island.² Seven years later the first attempt to settle the mainland was made when Columbus, in the course of his fourth voyage from Spain, founded on the Isthmus of Panamá, in the so-called province of Veragua,³ the short-lived colony of Santa María de Belén.⁴

It was not from Spain, however, but from Santo Domingo as a base that actual settlement on the mainland was effected. On June 9, 1508, the king contracted with Alonso de Ojeda and Diego de Nicuesa for the conquest and occupation of those regions of Tierra Firme⁵ known as Urabá and Veragua (not Nueva Andalucía and Castilla del Oro, as Herrera and others state), the first being

² Fiske, *The Discovery of America* (Boston, 1892-1895), I. 466-468; Bourne, *Spain in America, 1450-1580* (New York, 1904), p. 49.

³ Originally Veragua was the name applied to the region explored by Columbus on his fourth voyage. As such it extended only to the vicinity of Nombre de Dios. Veragua as later granted to Nicuesa included also the region between Nombre de Dios and the Gulf of Urabá. Four months after the appointment of Nicuesa, Diego Columbus was named royal *juez* and governor of the Indies ("Real cédula nombrando por gobernador de Las Indias al Almirante Don Diego Colón", in *Colección de Documentos Inéditos, relativos al Descubrimiento, Conquista y Organización de las antiguas Posesiones Españolas de América y Oceanía* (Madrid, 1864-1884), XXXII. 55-60). As is pointed out later, when Nicuesa's contract became void, Diego Columbus's claims to the regions discovered by his father were recognized.

⁴ Bancroft, *History of Central America* (San Francisco, 1882-1887), I. 218-230; Fiske, *op. cit.*, I. 511; Guardia, *History of the Discovery and Conquest of Costa Rica* (Van Dyke trans., New York, 1913), p. 44. See map of "The Course Followed by Columbus", in Guardia, *op. cit.*, p. 43; "Map of Columbus' Four Voyages", in Winsor, *Narrative and Critical History of America* (Boston, 1884-1889), II. 60-61; "Map of Darien and Tierra Firme", in Bancroft, *op. cit.*, frontispiece; and "Map of Darien", in Johnson, *Pioneer Spaniards in North America* (Boston, 1903), p. 52.

⁵ The following quotation from a royal *cédula* of July 27, 1513, defines Tierra Firme as it was then understood: "D. Fernando &c. Por quanto á nuestro Señor ha placido que por mandado de la serenisima Reina, mi muy cara e muy amada Hija, é mio, se han descubierto algunas islas é tierras que hasta agora eran innotos, é entre ellas una muy grande parte de tierra que fasta aqui se ha llamado Tierra-firme. . ." ("Título de Capitan general y Gobernador de la provincia de Castilla del Oro en el Darien, expedido por el Rey-Católico á Pedrarias Dávila", in Navarrete, *Colección de los Viages y Descubrimientos que hicieron por Mar los Españoles desde fines del Siglo XV* (Madrid, 1829), III. 337).

indefinitely defined as extending as far as the Gulf of Urabá,⁶ and the second as lying between that body of water and the limit of Columbus's recent explorations,⁷ namely, the northern coast of Honduras. Ojeda was appointed for a period of four years captain⁸ and governor⁹ of Urabá; Nicuesa received a similar appointment for the same period in Veragua.¹⁰ Together they were to raise a force of eight hundred men. Of these, two hundred might enlist in Castile; the others were to be raised in Española.¹¹ To Ojeda and Nicuesa the king granted jurisdiction in civil and criminal cases, although it is significant that provision was made for the right of appeal to the governor of Española.¹² Juan de la Cosa, at first designated as lieutenant-captain to Ojeda,¹³ was later appointed *alguacil mayor* in Urabá, a position which had been promised to him as early as 1503.¹⁴ The contract further provided that in Urabá, Ojeda, assisted by one Silvestre Pérez, was to select sites for, and, within two and one-half years, erect thereon two fortresses; in Veragua, Nicuesa, with the assistance of Ojeda, was to do likewise.¹⁵

⁶ The modern Gulf of Darién.

⁷ "Capitulacion que se toma con Diego de Nicuesa y Alonso de Ojeda," in *Col. Doc. Inéd.*, XXII. 15. (This document is printed also in *ibid.*, XXXII. 29-43, and in Angel de Altolaguirre y Duvale, *Vasco Núñez de Balboa* (Madrid, 1914), apéndice 1, pp. 1-9.)

⁸ *Ibid.*, pp. 13-26.

⁹ "Real cédula por la cual, con referencia á lo capitulado con Diego de Nicuesa y Alonso de Hojeda, y al nombramiento de ámbos por cuatro años para Gobernadores de Veragua el primero y de Urabá el segundo" in Navarrete, *op. cit.*, III. 116-117.

¹⁰ "Capitulacion . . . con diego de Nicuesa y Alonso de Ojeda," *op. cit.*, XXII. 13-26; "Poder a Diego de Nicuesa e Alfonso Doxeda, capitanes de los navíos que lleven, e gobernador de Veragua e Huraba," in *Col. Doc. Inéd.*, XXXII. 25-29.

¹¹ "Capitulacion . . . con Diego de Nicuesa y Alonso de Ojeda," *op. cit.*, XXII. 18.

¹² *Ibid.*, XXII. 24-25.

¹³ "Real cédula para que Xoan de la Cossa sea capitán e gobernador por Alfonso Doxeda; e en las partes donde esthobiere el dicho Doxeda sea su lugarteniente," in *Col. Doc. Inéd.*, XXXII. 43-45; "Capitulacion . . . con Diego de Nicuesa y Alonso de Ojeda," in *ibid.*, XXII. 24.

¹⁴ "Real cédula confirmando á Juan de la Cosa en el oficio de Alguacil mayor de Urabá," in Navarrete, *Viages*, III. 118-119; and in *Col. Doc. Inéd.*, XXXII. 46-50.

¹⁵ "Capitulacion . . . con Diego de Nicuesa y Alonso de Ojeda," *op. cit.*, XXII. 15.

In the latter part of 1509, Ojeda and Nicuesa sailed from Española for their respective jurisdictions, between which the Río Grande del Darién was, by agreement, now fixed as the boundary.¹⁶ With them they carried their full quota of men, although only one hundred and fifty had come from Castile.¹⁷ The unsuccessful and well-nigh fatal attempts of Ojeda to found settlements at Cartagena and San Sebastián, and of Nicuesa at Belén and Nombre de Dios, finally resulted in the union of the two groups of colonists at Santa María de la Antigua del Darién, which had been founded by Ojeda's people but which was located within the boundaries of Veragua.¹⁸

The absence of Ojeda in Española and the expulsion of Nicuesa in March, 1511, cleared the way for the leadership at Santa María of Vasco Núñez de Balboa. Nor was his authority based solely upon the will of the colonists. By September 10 steps had been taken by Governor Diego Columbus at Española to insure Balboa's control at Santa María,¹⁹ a move which Altolaguirre y Duvale regards as tantamount to the latter's appointment as governor *ad interim*.²⁰ Soon thereafter, as the result of a succession of events, Balboa came into royal favor. On October 5, the king instructed the appellate justices of Española to institute criminal proceedings against Ojeda,²¹ and on December 23, new dispatches having been received in the meantime from the Indies,

¹⁶ Altolaguirre y Duvale, *Vasco Núñez de Balboa*, Nos. VIII.-IX.

¹⁷ "Capitulacion . . . con Diego de Nicuesa y Alonso de Ojeda," *op. cit.*, XXII. 18.

¹⁸ Bourne, *Spain in America*, pp. 106-108; Altolaguirre y Duvale, *op. cit.*, Nos. IX.-XVI.; Guardia, *Discovery and Conquest of Costa Rica*, pp. 46-48; Bancroft, *Central America*, I. 292-308, 321-329.

¹⁹ Letter of the king to Diego Colon, January 23, 1512, extract in Altolaguirre y Duvale, *op. cit.*, No. XXX., note 2: "que fue buen medio el que tomasteis questobiese allí por agora aquel Vasco Nunez de Balboa hasta que se prouea de quien tenga cargo de aquellos".

²⁰ Altolaguirre y Duvale, *op. cit.*, Nos. XXX.-XXXI.

²¹ "Real provision para que el tribunal de apelacion en la isla Española, proceda contra el gobernador de Uraba Alonso de Hojeda, Bernardino de Talavera y sus complices, por los crímenes, . . ." in Navarrete, *Viages*, III. 120-122. An extract from the same document is in Altolaguirre y Duvale, *op. cit.*, Nos. XXVII.-XXVIII. In the latter copy the date October 6 is given.

a royal order removed him from his command in Urabá and instructed him to return to court at once.²² On the same day Balboa was appointed by the king governor and captain *ad interim* of what was termed the "province of Darién,"²³ and Diego Columbus and the other officials of Espanola were instructed to send supplies to Santa María at once. It is worthy of note, however, that no intimation was given to them of the nature of Balboa's appointment.²⁴

Shortly afterward the jurisdiction of Balboa was extended and made more secure in Tierra Firme. On January 17, 1512, the king, apparently unaware of the union of the two groups of colonists, instructed Nicuesa's followers to repair to "Santa María de la Antigua in the province of Darién".²⁵ Later, on January 31, the king ordered Nicuesa, who at that time was supposed to be at Nombre de Dios, but who had disappeared for all time following his expulsion in March of the preceding year, to leave the province of Veragua, and return to court at once.²⁶ On the same day instructions were issued to Balboa and the other Spaniards in Santa María to receive and treat well Nicuesa's colonists.²⁷

As soon as all opposition in Santa María had been overcome, following the expulsion of Nicuesa, Balboa undertook the exploration and conquest of the country to the northwest. As a result the limits of the colony were considerably increased. But before the facts of Balboa's exploits were made known at court a reaction there had set in against him. In a letter of June 11, 1513, the king notified the colonists "in the pueblo of Darién and in

²² Altolaguirre y Duval, *op. cit.*, No. XXIX. and sources therein cited.

²³ "Real cédula nombrando á Vasco Núñez Gobernador interino del Darien," in Altolaguirre y Duval, *op. cit.*, apéndice 2, p. 9.

²⁴ See *ante*, note 21.

²⁵ "Carta á los que están en el asiento de Nicuesa para que se pasen al Darien," in Altolaguirre y Duval, *op. cit.*, apéndice 3, pp. 9-10.

²⁶ "El Rey á Diego de Nicuesa ordenándole regrese inmediatamente á España," in *ibid.*, apéndice 5, p. 11.

²⁷ "Carta á los de la provincia del Darien ordenándoles que hagan buen recibimiento á los que están en el pueblo de Nicuesa cuando allá se pasaren," in *ibid.*, apéndice 6, pp. 11-12.

any other parts whatsoever of the provinces of Urabá and Veragua", that soon a prominent person would be sent to take charge of the government.²⁸ Shortly afterward, on July 27, the large body of land theretofore called Tierra Firme was thenceforth ordered to be called Castilla del Oro,²⁹ and the province of Darién was promptly renamed Andalucía la Nueva. At the same time it was expressly stipulated that Castilla del Oro was not to embrace the original province of Veragua, since that came under the jurisdiction of Diego Columbus because of its discovery by his father, nor the land discovered by Pinzón and Solís, nor the province of Paria.³⁰ As captain-general and governor of Castilla del Oro, with jurisdiction in civil and criminal matters, and with privileges and rights like those exercised by Diego Columbus, Pedrarias Dávila was appointed.³¹ The arrival of Pedrarias at Santa María in June, 1514,³² marked the beginning of an altogether independent colony, after it had been for some time more or less a dependency of España.³³

As a result of the discovery of the Pacific by Balboa, prior to the arrival of Pedrarias, interest now shifted to the so-called South Sea, on whose shores it was proposed to build a new town to serve as a base of operations. A line of posts to extend from sea to sea was also projected.³⁴ Indian hostilities restricted all

²⁸ "Carta del Rey á los vecinos del Darien anunciándoles el envío de un Gobernador," etc., in *ibid.*, apéndice 10, pp. 27-28.

²⁹ The term *Castilla aurifia* was applied to this region on August 2 (*Instrucción dada por el Rey a Pedrarias Dávila . . .*" in Navarrete, *Viages*, III. 343; in Altolaguirre y Duvalle, *op. cit.*, apéndice 15, pp. 37-45); but *Castilla del Oro* is the usual form.

³⁰ "Título de Capitan general y Gobernador de la provincia de Castilla del Oro en el Darien, expedido por el Rey-Católico á Pedrarias Dávila," in Navarrete, *Viages*, III. 337-338. The above document is printed also in Altolaguirre y Duvalle, *op. cit.*, apéndice 13, pp. 31-35.

³¹ Navarrete, *Viages*, III. 338-339.

³² Altolaguirre y Duvalle, *op. cit.*, No. CXI.; Bancroft, *Central America*, I. 394.

³³ Altolaguirre y Duvalle, *op. cit.*, CI.-CIX.

³⁴ "El Rey comunica á Pedrarias Dávila . . . el descubrimiento de la mar del Sur por Vasco Núñez y le da instrucciones para poblar y seguir los descubrimientos," in Altolaguirre y Duvalle, *op. cit.*, apéndice 23, pp. 53-57 (extract of *ibid.*, in Navarrete, *Viages*, III. 355-357); Bancroft, *Central America*, I. 396, 418; Bourne, *Spain in America*, p. 112.

efforts in those directions, after two years, to the region west of the Río Grande del Darién, and the Gulf of Urabá.³⁵ During this period the isthmus was crossed several times and the region as far west as Panamá was explored.³⁶

In the meantime, however, the king had rewarded Balboa for his services. A royal *cédula* of September 23, 1514, named him *adelantado* of the South Sea and of the government of the provinces of Panamá and Coiba.³⁷ These provinces were declared to be in the newly discovered lands which sloped toward the South Sea from the crest of the mountains lying along the northern coast of Veragua.³⁸ Within these districts Balboa was given the powers of governor and judge, though subject to Pedrarias.³⁹ The settlement of internal disputes, following Balboa's appointment, gave promise of the rapid exploration and settlement of the southern region, especially Perú.⁴⁰ However, the execution of Balboa by the jealous Pedrarias in 1519 (not in 1517 as is generally stated)⁴¹ checked these plans. But interest in the southern

³⁵ During this period there were several expeditions up the Río del Darién, or Atrato River, and at least one attempt was made to explore the region to the east of it (Bancroft, *op. cit.*, I. 407; 417-418).

³⁶ Bancroft, *op. cit.*, I. 420, *et seq.*

³⁷ " . . . nuestro adelantado de la mar del Sur que vos descubristeis e de la gobernacion de las prouincias de Panama y Coiva" ("Real cédula nombrando á Vasco Núñez de Balboa Adelantado de la mar del Sur," etc., in Altolaguirre y Duvale, *Vasco Núñez de Balboa*, apéndice 29, pp. 63-64). Other cédulas issued on the same day referred to Balboa as *adelantado de la Costa del Sur* (see Altolaguirre y Duvale, *op. cit.*, pp. 59-65).

³⁸ "Real cédula á los vecinos de las provincias de Panamá y Coiba participándoles haber nombrado Gobernador de ellas á Vasco Núñez de Balboa," in Altolaguirre y Duvale, *op. cit.*, apéndice 25, p. 59.

³⁹ *Ibid.*; "Real cédula a Pedrarias Dávila participándole haber nombrado Adelantado de la mar del Sur . . .," in Altolaguirre y Duvale, *op. cit.*, apéndice 26, p. 61; "Real cédula nombrando á Vasco Núñez de Balboa Adelantado . . .," in *ibid.*, apéndice 29, p. 64.

⁴⁰ Fiske, *Discovery of America*, II. 379-384.

⁴¹ A number of historians place the execution of Balboa in 1517. Among these are Herrera (*Historia General de los Hechos de los Castellanos en las Islas i Tierra Firme* [Madrid, 1601-1615], dec. ii., lib. ii., cap. xxii.); Bancroft (*Central America*, I., ch. XII.-XIII.); Helps (*The Spanish Conquest in America* [Oppenheim ed.], I. 302, note 2); Pascual de Andogoya (*Narrative of the Proceedings of Pedrarias Dávila . . .* [Markham trans.], in *Hakluyt Society Publications*, 1st. ser., XXXIV. note 2, p. 22; and Bourne, *Spain in America*, p. 111. But from an origi-

regions was still paramount and on January 27, 1519, Pedrarias formerly took possession, in the king's name, of the Sea of the South.⁴² In August, 1519, the town of Panamá was founded and the capital moved there from Santa María by Pedrarias. At the end of the same year Nombre de Dios was founded, by order of Pedrarias, and became the northern terminus of the road across the isthmus.⁴³

The founding of Panamá and Nombre de Dios marked the culmination of northwestward expansion on the mainland from Santa María as a base. However, from Panamá the movement continued by way of the southern coast, and by 1524, as a result of the selfish desire of Pedrarias to follow up with actual settlement the northwestward explorations of Niño and Gil González Dávila, made during the years 1522 and 1523, as well as

nal document in the Archives of the Indies published in *Col. Doc. Inéd.*, II. 556-558, and later, in 1914, by Altolaguirre y Duvalle (*Vasco Núñez de Balboa*, apéndice 62, p. 156) it is evident that Balboa was still busy with his plans on the South Sea as late as January 13, 1518, for on that date Hernando Arguello, one of the men later executed with Balboa, presented in the latter's name a petition to Pedrarias and the other officials at Santa María de la Antigua del Darién, asking for more time in which to comply with instructions concerning the proposed exploration in the south. The petition was granted on the same day by Pedrarias and the other officials, Balboa and his associates being allowed four more months in which to make the exploration.

From another document in the Archives of the Indies also published by Altolaguirre y Duvalle (*ibid.*, apéndice 66, pp. 172-179) it is evident that by January 12, 1519, sentence had been passed on Balboa, for on that day the *licenciado Espinosa* officially inquired of Pedrarias whether or not he would allow Balboa to appeal from his sentence. In his reply Pedrarias refused to consider the appeal and ordered that Balboa and four of his associates should be executed without any further delay. This document was dated in the Villa de Acla on January 12, 1519. It definitely established the fact that Balboa was executed at least two years later than generally has been thought.

For further information concerning the execution of Balboa consult the following: Oviedo y Valdés, *Historia General y Natural de las Indias*, lib. xxix., cap. xii.; Altolaguirre y Duvalle, *Vasco Núñez de Balboa*, CLXXXIV.-CLXXXV.; Guardia, *Discovery and Conquest of Costa Rica*, pp. 66-67.

⁴² "Testimonio de un Acto de posesion que tomó el gobernador Pedrarias Dávila, en nombre de SS. MM., en la costa del sur, del señorío de aquellos dominios," in *Col. Doc. Inéd.*, II. 549-556. The same document is printed in Altolaguirre y Duvalle, *op. cit.*, apéndice 67, pp. 179-183.

⁴³ Andagoya, *Proceedings of Pedrarias Dávila* (Markham trans.), in *Hakl. Soc. Pub.*, 1st. ser., XXXIV. 23.

to forestall the like ambitions of the latter explorer, the towns of Bruselas, Granada, and León were founded.⁴⁴ Of these León, located about half-way between Lake Nicaragua and the Gulf of Fonseca, marked the northern limit of Spanish advance from Panamá before opposition was encountered from other Spaniards operating in the same region.

II. FLORIDA, AMICHEL, AND RIO DE LAS PALMAS, 1512-1528

Prior to the arrival of Pedrarias in Castilla del Oro expansion from Espaňola resulted in the occupation of the islands of Santiago (Jamaica), Porto Rico, and Fernandina (Cuba). From the West Indies, as a base of operations, attempts were now made to establish political jurisdictions, though with vague and indefinite limits, in the Gulf and lower Atlantic regions. This movement began with Juan Ponce de León, to whom as early as 1512, or 1514,⁴⁵ authority was given to settle the "Island" of Florida, which he had previously discovered. Ponce's attempt in 1521 to establish a colony on the west coast of the peninsula was a failure, but the name Florida continued to be applied to the region discovered by him.

In 1519, Alonso de Pineda, while in the service of Francisco de Garay, captain of the island of Santiago, coasted along the mainland from Florida to Vera Cruz. To that part of the Gulf coastal region explored for the first time by Pineda, namely, the region lying between the western limit of Ponce's explorations in Florida and the northernmost point to which Diego Velázquez, governor of Fernandina, laid claim through the explorations of Grijalva and Cortés (approximately from Appalachee Bay to Tampico), was given the name Amichel.⁴⁶ In 1521, Garay was authorized to

⁴⁴ López de Velasco, *Geografía y Descripción Universal de las Indias, Recopilada por el Cosmografo-Cronista Juan López de Velasco desde el año de 1571 al de 1574* (Madrid, 1894), pp. 316-322.

⁴⁵ Lowery, *The Spanish Settlements within the present limits of the United States, 1513-1561* (New York, 1911), p. 146; "Con el Dicho Joan Ponce sobre la dicha Ysla Beniny," in *Col. Doc. Inéd.*, XXII, 33-37.

⁴⁶ "Real cédula dando facultad á Francisco de Garay para poblar la provincia de Amichel . . ." in Navarrete, *Viages*, III, 147-148. See also "Trazas de las costas de Tierra-Firme y de las Tierras Nuevas," in *ibid.*, and "Section of Hernando Colon's Map of America, 1527, No. 38 of the Kohl Collection," in Lowery, *op. cit.*, p. 146.

settle the province of Amichel. At the same time instructions were given to Cristóbal de Tapia to determine the eastern and southern limits of the province.⁴⁷ No record that such was done is available. In July, 1523, Garay attempted to establish a colony within that part of Amichel which lay between the Río de las Palmas (Rio Grande) and the Río Pánuco, and which afterward was given the name Vitoria Garayana.⁴⁸ Misfortune attended his efforts, however, and before the end of the year Garay himself became virtually a prisoner of Cortés in the City of Mexico, where he died soon afterward.⁴⁹

On June 12, 1523, Lucas Vázquez de Ayllon was named *adelantado* and governor of a vast and vaguely defined region lying north of Florida,⁵⁰ to which claims had been established in 1521. A scouting expedition sent out from Santo Domingo in 1525 was followed the next year by Ayllon with over five hundred colonists. The settlement of San Miguel de Gualdape, established on the Atlantic Coast in about 33°, met with reverses, and after the death of Ayllon in October the colonists departed for Santo Domingo. Of the original number only about one-third ever reached the island.⁵¹

The exploration of Esteban Gómez along the east coast as far as Nova Scotia in 1525, tended to discourage further undertakings in those regions because neither gold nor a strait to the South Sea was found.⁵² Florida continued to attract, however, and on December 11, 1526, Pánfilo de Narváez secured the right to explore, conquer, and settle the country between the Río de las

⁴⁷ "Real cédula dando facultad á Francisco de Garay . . .", in Navarrete, *Viages*, III. 148-149.

⁴⁸ "Lo que el Licenciado Luis Ponce de Leon, Juez de Residencia de la Nueva España, ha de hacer en el dicho cargo . . ." in *Col. Doc. Inéd.*, XXIII. 370.

⁴⁹ Lowery, *op. cit.*, p. 153; Bancroft, *Mexico*, II. 105-116; Herrera, *Historia General*, dec. iii., lib. v., cap. v.-vi.

⁵⁰ "Real cédula que contiene el asiento capitulado con Lúcas Vazquez de Aillon para proseguir el descubrimiento principiado con buques suyos y de otros por los 35° a 37° N.-S. de la isla Española . . ." in Navarrete, *op. cit.*, III. 153-160; *ibid.*, in *Col. Doc. Inéd.*, XXII. 79-93; "Section of Hernando Colon's Map of America, 1527", *loc. cit.*

⁵¹ Lowery, *op. cit.*, pp. 153-157, 160-168; Bourne, *Spain in America*, pp. 138-140.

⁵² Lowery, *op. cit.*, pp. 168-169; Bourne, *op. cit.*, pp. 140-142.

Palmas and the Cape of Florida.⁵³ To this region, comprising the northern part of the original province of Amichel granted to Garay in 1521, was now given the name Río de las Palmas.⁵⁴ In 1527 Narváez with three hundred soldiers and colonists, thinking that they were in the vicinity of the Río de las Palmas, landed on the west coast of Florida and set forth upon an undertaking in which all but five eventually lost their lives.⁵⁵ For more than ten years following the Narváez disaster the east Gulf and lower Atlantic regions were neglected.

III. THE FOUNDING OF NEW SPAIN, 1519-1525

(1) *The Overthrow of the Aztecs, and the Extension of the Conquest, 1519-1523.*—While the isthmus was being explored and colonized from Santa María and Panamá, and while attempts were being made to establish settlements on the Gulf and Atlantic coasts, further colonization on the mainland was effected by way of a new line of approach. This latter movement was fostered, in its initial stages, by Diego Velázquez, the conqueror and insurgent governor of Cuba. With Hernando Cortés, a wealthy and popular *alcalde ordinario* of the island, Velázquez concluded an agreement by the terms of which a force of four hundred men was to be raised; ten ships were to be contributed—seven by Cortés, and three by Velázquez; and Cortés was to be made captain-general of an expedition to the mainland.⁵⁶ Official responsibility

⁵³ "Asiento y Capitulacion que tomó el Emperador con Panfilo de Narvaez vecino de la Ysla fernandina para el descubrimiento conquista y poblacion de las tierras que hay desde el Rio de las Palmas hasta el Cavo de la florida en Granada á 11 de Dizi. re de 1562." [title in Lowery, *op. cit.*, p. 173], in *Col. Doc. Inéd.*, XVI. 67-87.

⁵⁴ Herrera, *Historia General*, dec. iv., lib. iv., cap. ii.

⁵⁵ Hodge, "The Narrative of Alvar Núñez Cabeza de Vaca" in *Spanish Explorers in the Southern United States, 1528-1543* (New York, 1907).

⁵⁶ "Memorial presentado al Real Consejo por Don Martín Cortés de Monroy, padre de Hernán Cortés, en nombre de su hijo.—presentado por Marzo de 1520," in Father M. Cuevas (editor), *Cartas y Otros Documentos de Hernán Cortés Novísimo Descubierto en el Archivo General de Indias* (Sevilla, 1915), p. 1; "Relacion del descubrimiento y conquista de Nueva España, hecha por la Justicia y Regimiento de la nueva ciudad de Vera-Cruz, á 10 de julio de 1519," in *Colección de Documentos Inéditos para la Historia de España* (Madrid, 1842-1895), I. 419, 431.

for the expedition was, at the outset, assumed by Velázquez;⁵⁷ the men were outfitted and more than two-thirds of the total cost was assumed by Cortés.⁵⁸ But as the result of a break between the two when Cortés left Cuba in February, 1519, with between five hundred and six hundred followers, he did so in open defiance of the governor's orders. Finally, San Juan de Ulua was reached in April, 1519, and soon afterward, despite the later assertion of Cortés that the expedition had been undertaken solely for trading purposes,⁵⁹ Villa Rica de la Vera Cruz was founded. A municipal organization was effected there, and Cortés was chosen by the settlers governor and chief justice of the land.⁶⁰ In the memorial setting forth these facts and presented to the crown on March 20, 1520, Cortés asked that the above titles be conferred officially upon him until the conquest might be completed and the country settled.⁶¹ Before this, however, plans had been formulated and were under way for the overthrow of the empire of the Montezumas, with its capital located inland at Tenochtitlan (Mexico). The steps by which this ambition was realized are well-known.⁶²

After the overthrow of the Aztec capital, two years elapsed before Cortés received for his conquests the approbation of the crown in the form of a commission as governor and captain-general of New Spain. But while, theoretically, there was lacking during this time, as during the preceding two years, legal authority for such action, conquest and settlement went on apace, the result being that when Cortés's commission did finally

⁵⁷ "Instrucción que dió el adelantado Diego Velasquez á Hernan Cortés . . . in *Col. Doc. Inéd.*, XII. 226-245.

⁵⁸ "Memorial presentado al Real Consejo por Don Martín Cortés de Monroy, . . . " *loc. cit.*; pp. 1-2; "Relacion del descubrimiento y conquista de Nueva España," *loc. cit.*, I. 431-432.

⁵⁹ "Memorial presentado al Real Consejo por Don Martín Cortés de Monroy, . . . " *loc. cit.*, p. 2. In the "Relacion del descubrimiento y conquista de Nueva España, . . . " (*loc. cit.*, I. 447-448) the statement is made that at the instance of members of the expedition Cortés was induced to abandon his original plans and to consent to the founding of a settlement.

⁶⁰ "Memorial presentado al Real Consejo por Don Martín de Monroy . . . ,"
loc. cit., p. 2: *Gouernador e Justicia mayor de la dicha tierra.*

⁶¹ *Ibid.*, pp. 4-5.

⁶² See MacNutt, *Fernando Cortés*, p. 104, *et seq.*; Bourne, *Spain in America*, pp. 149-157.

arrive the new jurisdiction over which he was made governor embraced a conquered region of no mean extent. In the course of the campaign to recapture the City of Mexico, the town of Segura de la Frontera, in the province of Tepeaca, had been founded, and with the final establishment of the Spaniards in Mexico expeditions were sent out in rapid succession to explore and to establish other settlements. Southeast, to the province of Tuxtupeque, even before the rebuilding of the City of Mexico, Sandoval was sent in October, 1521. There, seventy leagues distant from Mexico, he founded the *villa* of Medellín, the third town to be peopled by Spaniards, and later the town of Espíritu Santo, fifty leagues distant from Medellín and four leagues from the mouth of the Coatzacoalcos River.⁶³ At the same time Orozco and Alvarado were effecting the conquest of Guaxacaque, or Oaxaca, and the country as far south as Tehuantepec and Tututepac. The town of Antequera was founded by Orozco, and in 1522 Alvarado removed Segura de la Frontera to the same province.⁶⁴

In May, 1522, Olid was sent west to conquer and to settle Michoacan. Discontent among the settlers at Tzintzuntzan after the natives had submitted, however, resulted in the temporary abandonment of the province. In the meantime the discovery of a good harbor on the South Sea had resulted in the founding by Villafuerte of a colony on the Río Zacatula, forty leagues from Tzintzuntzan and about ninety leagues from Mexico. Thither some of the discontented settlers in Michoacan were ordered, but *en route*, having turned north into Colima, they suffered severe reverses. To strengthen the Spanish hold upon the entire southwest, Cortés now sent reinforcements to that region. The province of Michoacan, where a municipality was founded, was reoccupied, and on the South Sea the town of Zacatula was formally established and municipal officers installed. Zacatula, with a dockyard, and ships in the process of building, now became the

⁶³ Cortés, "Third Letter", in *Letters of Cortés* (MacNutt, ed., New York, 1908), II. 133-135; "Fourth Letter", in *ibid.*, 159-161.

"Cortés, "Fourth Letter", in *ibid.*, 163-164; Bancroft, *Mexico*, II. 38, 42; Herrera, *Historia General*, dec. iii., lib. iii., caps. xi., xii., xviii.

base of operations in the west. From there was effected the conquest of Colima, where before the end of 1522 the town of Colima was founded.⁶⁵

In 1522, after the discomfiture of Tapia, who, at the instigation of Cortés's enemies, was sent by the king's representative to take charge of the newly conquered regions, Cortés led an expedition northeastward to the native province of Pánuco. His chief purpose in so doing, aside from extending the conquest, was to establish superior claims on that region to any that Francisco de Garay, might make on the basis of Juan de Grijalva's explorations in 1518. This Cortés accomplished by establishing, before the end of the year, in spite of obstinate Indian resistance, the municipality of San Esteban del Puerto, located near the mouth of the Pánuco River.⁶⁶

(2) *Conquests of Cortés as Governor and Captain-general of New Spain, 1523-1525.*—The receipt by Cortés, about the middle of the year 1523, of his commission as governor and captain-general of New Spain,⁶⁷ was at once followed by plans for extending the now legal conquest into the more alluring and strategically important regions to the south. These plans were delayed, however, by the activities of Garay in the Pánuco region. Garay's

⁶⁵ For the operations in the west in 1522 see: Cortés, "Fourth Letter", in *Letters of Cortés*, MacNutt, II. 161-162; Herrera, *Historia General*, dec. iii., lib. iii., caps. xi., xvii.; Bancroft, *Mexico*, II. 51-64.

⁶⁶ Herrera, *Historia General*, dec. iii., lib. iii., cap. xviii.; Bancroft, *Mexico*, II. 95-100. Juan López de Velasco. *Geografía y Descripción Universal de las Indias*, p. 198.

⁶⁷ The order naming Cortés governor and captain-general of all the land and provinces of New Spain and of the City of Temistlan was issued on October 15, 1522. The term New Spain, however, as used in this document is quite indefinite, as for instance: "las tierras e provincias de Aculuacan e San Xoan de Olua, llamada la Nueva España donde está la gran Laguna en que está edificada la gran Cibdad de Temistlan (Mexico)". ("Real cédula nombrando gobernador y capitán general de Nueva España a Hernando Cortés, y dandole instrucciones para el gobierno de la misma," in *Col. Doc. Inéd.*, XXVI. 59-64). On the same day, October 15, the king's instructions were issued to Cortés. In this document occurs a similar vague statement concerning New Spain: "Hernando Cortés Nuestro Gobernador e capitán General de la Nueva España llamada Aculbacan e Olua ("Treslado de una cédula de S. M. a Hernando Cortés, dandole instrucciones acerca del tratamiento y cuidado con los Indios de su gobernación," in *ibid.*, 65-70).

death in December of that year, however, and the suppression of an Indian uprising in Pánuco by Sandoval, brought the province, together with the remnant of Garay's forces, under the unquestioned control of Cortés. By December 6, 1523, Cortés was able to dispatch Alvarado overland with a large force to the country beyond Tehuantepec, and on January 11, 1524, to send Cristóbal de Olid with six vessels and several hundred men from San Juan, to prosecute, by way of the east coast, another southern campaign, simultaneous with that of Alvarado further west.⁶⁸ Alvarado encountered desperate but futile resistance from the Indians and by the end of July, 1524, the town of Quezaltenango, a fort at Atitlán, and the municipality of Santiago de los Caballeros de Guatelala had been established within the present limits of Guatemala, while beyond the La Paz River Alvarado had led an expedition far into the interior of what is now San Salvador. Indian revolts resulted in the temporary abandonment of Santiago, but *encomiendas* were granted, as elsewhere, and the Spanish occupation of Guatemala was definitely effected.⁶⁹ In the east, as will be seen, complications delayed the final outcome.

At the same time that lieutenants of Pedrarias and Cortés were respectively pushing north and south from Panamá and from Mexico, the colonization of the rapidly narrowing region in between was attempted by way of a new and third line of approach. In that year Gil González Dávila,⁷⁰ driven from Panamá by his rival Pedrarias, organized at Santo Domingo an expedition which it was his purpose to lead overland from the east coast of the mainland, in case no strait could be found, to the regions discovered by himself and Niño in 1522-1523, and there,

⁶⁸ Bancroft, *Mexico*, II. 126-127; *Central America*, I. 522-526, 625-627.

⁶⁹ Bancroft, *Central America*, I. 627, *et seq.*; Moses, *The Establishment of Spanish Rule in America* (New York, 1898), pp. 82-83.

⁷⁰ Bancroft (*Central America*, I. 517-518) states that upon his arrival at Santo Domingo Gil González sent his treasurer, Cereceda, to intercede with Charles V. for permission to make the expedition, that the emperor granted the request, but that before Cereceda could return, González, with the sanction of the *audiencia* of Santo Domingo, started for the mainland. According to Guardia (*Discovery and Conquest of Costa Rica*, p. 96) Gil González did not leave Santo Domingo until Cereceda returned.

on Lake Nicaragua, to establish a colony. Sailing too far to his right, González landed on the north coast of Honduras where in the spring of 1524 he founded the colony of San Gil de Buenavista. In attempting to find a route from there to Nicaragua González clashed with soldiers of Córdoba, a lieutenant of Pedrarias, operating from the new town of León. Before the outcome was finally decided, however, the situation was further complicated by the arrival of Olid from Mexico. Landing not far from San Gil de Buenavista, Olid cast off his allegiance to Cortés and founded for himself the town of Triunfo de la Cruz. In time he made captive not only González but also Francisco de las Casas, sent by Cortés to arrest him, only shortly afterward to be assassinated by his two captives. Las Casas now became master of the situation for Cortés, but soon departed for Mexico, by way of Guatemala, whither he carried González as prisoner.⁷¹ The latter's colonists were allowed to found a new settlement at Nito,⁷² and in May, 1525, Triunfo de la Cruz having been abandoned by Cortés's colonists, the municipality of Trujillo was founded by them.⁷³ For a brief while, due to the exigencies of the situation the colonists there transferred their allegiance to the Audiencia of Santo Domingo,⁷⁴ which at the same time was bidding for Córdoba to revolt from Pedrarias and place Nicaragua under its jurisdiction,⁷⁵ as would doubtless have been the situation had Gil González met with better success. The arrival of Cortés himself, however, by way of lower Vera Cruz and the Tabasco country

⁷¹ Bancroft, *Central America*, I. 518-533; Guardia, *Discovery and Conquest of Costa Rica*, pp. 95-98.

⁷² Bancroft, *Central America*, I. 535, 565.

⁷³ "Testimonio de la Posesion y Fundacion que Hizo el Capitan Francisco de las Casas, á nombre de Hernando Cortés, del Puerto, Asiento y Villa de Trujillo," etc. in *Col. Doc. Inéd.*, XIV. 44-47.

⁷⁴ During the administration of Diego Columbus a superior court had been established at Santo Domingo to hear appeals from the governor. From this court there later developed the Audiencia of Santo Domingo, which for a time had administrative jurisdiction over a large part of the Indies. This audiencia which was formally established by a decree of September 14, 1526, had, besides other officials, a president, four judges, and a *fiscal* (Bourne, *Spain in America*, pp. 227-228; Bancroft, *op. cit.*, I. 269).

⁷⁵ Bancroft, *op. cit.*, I. 578.

resulted in both groups of colonists in Honduras coming under his immediate control. At once Cortés began readjusting the settlements and making preparations for extending, with the coöperation of Alvarado, the conquest into Nicaragua,⁷⁶ where Córdoba, who by now had revolted from Pedrarias, was to be dealt with.

The situation in Mexico, however, thwarted these plans. There discord and strife developed immediately after the departure of Cortés on October 12, 1525. Futile attempts on his part to compose the situation from a distance were followed by reports of new differences which had arisen between the officials left in charge at Mexico.⁷⁷ Finally, in the *villa* of Trujillo, on January 3, 1526, Cortés was induced to take drastic measures to meet the internal situation. On that day all previous commissions—political, military, and judicial—were revoked by him, and Francisco de las Casas was appointed as Cortés's sole personal lieutenant, to function in that capacity in all the prerogatives of governor, captain-general, and chief justice of all New Spain.⁷⁸ Cortés's own presence in the capital, however, proved to be more essential than the Nicaragua campaign, and in April, 1526, he sailed from Honduras for Vera Cruz, leaving Hernando de Saavedra as his lieutenant-governor and captain-general in the newly conquered regions.⁷⁹

During Cortés's absence in Honduras, despite the discord among his lieutenants at Mexico and the incident native out-

⁷⁶ Guardia, *op. cit.*, p. 100; Bancroft, *op. cit.*, II. 76.

⁷⁷ "Nombramiento de justicia mayor, capitán general y gobernador ad interim de la Nueva España, otorgado por Hernan Cortés a favor de su primo Francisco de las Casas," in Cuevas, *Cartas y Otros Documentos*, pp. 8-10; "Memorial de lo ocurrido en Méjico desde la salida de Hernan Cortés hasta la muerte de Rodrigo de Paz, 1526," in Pascual de Gayangos (editor), *Cartas y Relaciones de Hernan Cortés al Emperador Carlos V* (Paris, 1866), p. 581 *et seq.*; "Carta de Hernan Cortés al Emperador, Mejico 3 de Setiembre de 1526" [translation in MacNutt, *Letters of Cortés*, II. 229-355], in Gayangos, *op. cit.*, p. 396, *et seq.* The latter communication incorrectly gives 1524 as the year of Cortés's departure from Mexico for Honduras.

⁷⁸ "Nombramiento de justicia mayor, capitán-general y gobernador ad interim," *etc.*, *loc. cit.*, pp. 11-13.

⁷⁹ Bancroft, *Central America*, I. 580-582; "Instrucciones Ineditos, Dadas á Hernando de Saavedra, lugar-teniente de Gobernador y Capitan General en las villas de Trujillo y la Natividad de Ntra. Señora en Honduras," in *Escritos Suelos de Hernan Cortés* (Mexico, 1871) pp. 86-95.

breaks in some of the subject provinces, the conquest of Tabasco had been effected for him by Captain Gallegos, who in 1525, founded near the mouth of the Rio Tabasco the *villa* of Nuestra Señora de la Victoria.⁸⁰

IV. POLITICAL READJUSTMENTS ON THE MAINLAND, 1525-1535

(1) *The Creation of New Jurisdictions.*—With the conquest of Tabasco, New Spain, as established by Cortés, reached its greatest extent. In area it now stretched from Colima to Salvador, in the west, and from Pánuco to Honduras, in the east. Before this time, however, forces were at work that were to result in the political readjustment of the Spanish colonies on the mainland. For reasons of administrative efficiency it had been decided by the court of Spain to limit the size of independent jurisdictions in the new world and to divide into smaller units the larger ones already established there. It was in conformity with this policy that Córdoba in Nicaragua had been encouraged by the Audiencia of Santo Domingo to revolt from Pedrarias,⁸¹ governor of Castilla del Oro, and in 1525 the division and delimitation of New Spain was begun. Prior to November 4 of that year Nuño de Guzmán had been named governor of Pánuco and Vitoria Garayana, to succeed the deceased *adelantado*, Francisco de Garay.⁸² The arrival of Guzmán at his capital, San Esteban del Puerto, on May 20, 1527, was almost immediately followed by a boundary contest with the authorities of New Spain that was to last until the intervention in 1528 of the first Audiencia.⁸³ On November 25, 1525, the various claims to Honduras were ignored and Diego López de Salcedo was appointed royal governor.⁸⁴ The next year, on December 8, Francisco de Montejo, a former

⁸⁰ Herrera, *Historia General*, dec. iii., lib. vii., cap. iii.; Bancroft, *Mexico*, II. 226.

⁸¹ Bancroft, *Central America*, I. 597-598.

⁸² "Lo que el Licenciado Luis Ponce de Leon, Juez de Residencia de la Nueva España, ha de hacer en el dicho cargo," etc., in *Col. Doc. Inéd.*, XXIII. 370.

⁸³ Bancroft, *Mexico*, II. 262-264 and 272-279.

⁸⁴ "Traslado testimoniado de una cédula del Emperador Carlos V y de Doña Juana su madre, nombrando á Diego Lopez de Salcedo por gobernador del Golfo de las Higueras," etc., in *Col. Doc. Inéd.*, XIV. 47-52.

lieutenant of Cortés, was given the right to conquer and settle at his own expense Yucatán and Cozumel, both of which had been touched by Cortés on his voyage from Cuba to Mexico. By Montejo's commission he was named governor and captain-general for life, and for himself and his heirs he was given the title and honors of *alguacil mayor* and *adelantado*.⁸⁵ Montejo sailed from Spain for his new possessions in 1527, and the next year founded a fort and settlement at Salamanca on the east coast of Yucatán.⁸⁶ Serious opposition from the natives, however, prevented the conquest from being completely effected until 1549. In 1527 New Spain suffered one of its greatest losses, when, by orders of the king, Guatemala was made a separate and independent jurisdiction, and the governorship and captaincy-general bestowed upon the man who had conquered the country, Pedro de Alvarado.⁸⁷

(2) *The Establishment of the Audiencia and of the Vice-royalty of New Spain.*—While New Spain, as founded by Cortés, was undergoing this political transformation, the great conqueror himself was rapidly losing his power. The complaints of his many enemies finally resulted in the appointment by the king of Luis Ponce de León as *juez de residencia* of Cortés's conduct in office. With the institution of this *residencia* on July 4, 1526,⁸⁸ Cortés was barred from the exercise of judicial powers,⁸⁹ but was neither sus-

⁸⁵ "Capitulación celebrada en Granada, á 8 de diciembre de 1526, entre Carlos V y Francisco de Montejo, para la conquista y colonización de Yucatán," in Ancona, *Historia de Yucatán* (Barcelona, 1889), I. apéndice: Documento Número 2, 390-396.

⁸⁶ Bancroft, *Mexico*, II. 435.

⁸⁷ Herrera, *Historia General*, dec. iv., lib. ii., cap. iii.; Bancroft, *Central America*, II. 101-102; Bancroft, *Mexico*, II. 276.

⁸⁸ "Acta en que se dá cuenta de la provision de S. M. para que se tome residencia a Hernando Cortés y sus oficiales; por el licenciado Ponce de Leon," in *Col. Doc. Inéd.*, XXVI. 195.

⁸⁹ Ponce does not appear to have assumed any powers other than judicial. An official document issued a few days before his death refers to him only as *juez de residencia y justicia mayor de esta Nueva España* ("El licenciado Ponce de Leon, confiere, por enfermo, sus poderes, al licenciado Marcos de Aguilar," in *Col. Doc. Inéd.*, XXVI, 226-227). In a royal *cédula* of March 16, 1527, reference is made to "la dha Gobernacion de Just. a" formerly held by Ponce (Royal *cédula* in *Libro de Cabildo; Copia de la Mayor Parte*, MS., Bancroft Collection, p. 203).

pended as captain-general, nor relieved of the management of the Indians.⁹⁰ Upon the death of Ponce on July 20, and the abrupt interruption of the *residencia*, Marcos de Aguilar, to whom had been entrusted the staff of justice on July 16,⁹¹ assumed governmental powers in the administration of both civil and criminal justice.⁹² On September 5, Aguilar who maintained that the instructions to Ponce deprived Cortés of all powers whatsoever, called upon the latter to explain why he continued to give and to take Indians in *repartimiento*.⁹³ This drew from Cortés a vigorous reply, which in turn, was followed by a peremptory demand from Aguilar for Cortés not only to cease giving Indians in *repartimiento*, but to desist from functioning as captain-general.⁹⁴ Cortés promised to obey the order; a week later, aggrieved, he appealed to the king for justice.⁹⁵

⁹⁰ "Acta en que se dá cuenta de la provision de S. M. para que se tome residencia a Hernando Cortés y sus oficiales; por el licenciado Ponce de Leon," *loc. cit.*, 197; "Testimonio del requerimiento y mandamiento que el licenciado Marcos de Aguilar intimó a Hernán Cortés a fin de hacerle renunciar el cargo de capitán general de la Nueva España y de la repartición de los Indios. Respuesta y renuncia de Hernán Cortés. Mexico 5 de Septiembre de 1526," in Cuevas, *op. cit.*, p. 18; "Carta de Hernando Cortés á Su Magestad . . . Temiztitan, 11 de Setiembre de 1526," in *Col. Doc. Inéd.*, XII. 476: "el dicho Luis Ponce no me habia suspendido el cargo de capitán general, ni la administracion ni encomienda de los indios."

⁹¹ "El licenciado Ponce de Leon, confiere, por enfermo, sus poderes, . . . ,"
loc. cit., XXVI. 226-228.

⁹² ". . . la gobernación de la justicia civil y criminal por Vuestra Magestad" ("Carta de Hernan Cortés á su Magestad, . . . 3 de Setiembre de 1526," in *Col. Doc. Inéd.*, XII. 484, and *Escritos Sueltos de Hernan Cortés*, III). Bancroft, *Mexico*, II. 251) states that Aguilar was received as governor on August 26. This, however, seems to be an erroneous inference since in the documents available the only title applied to Aguilar up to the time of his death, and even afterward, was that of *justicia mayor* (*Libro de Cabildo: Copia de la Mayor Parte*, pp. 148, 155, 186; "Testimonio del requerimiento y mandamiento que el Licenciado Marcos de Aguilar intimó a Hernán Cortés a fin de Hacerle renunciar el cargo de capitán general de la Nueva España y de la repartición de los Indios. Respuesta y renuncia de Hernán Cortés," in Cuevas, *op. cit.*, pp. 15-16; etc.).

⁹³ "Testimonio del requerimiento y mandamiento que el licenciado Marcos de Aguilar intimó a Hernán Cortés, . . ." in Cuevas, *op. cit.*, pp. 16-20, and *Col. Doc. Inéd.*, XXVI. 238-239.

⁹⁴ *Ibid.*

⁹⁵ "Carta de Hernando Cortés á su Magestad" [September 11, 1526], in *Col. Doc. Inéd.*, XII. pp. 476-479.

Following the death of Aguilar the *cabildo* in Mexico on March 1, 1527, conferred the powers of *justicia mayor* jointly upon Alonso de Estrada and Gonzalo de Sandoval, with the reservation that they were not to make any rulings concerning the administration of Indian affairs and matters connected with the captaincy-general without the concurrence and advice of Cortés.⁹⁶ Seventeen days later a royal *cédula* issued at Valladolid conferred upon the then defunct Aguilar, or upon his appointee, the government of the land and the administration of justice, but withheld the powers of *juez de residencia*. In the same *cédula* it is worthy of note that Cortés was referred to as captain-general, though all captains and all other people were instructed to receive Aguilar, or his successor, as royal governor of the land.⁹⁷ Upon the arrival of this *cédula* in Mexico Estrada was received by the *cabildo* on August 22, as the legal successor of Aguilar.⁹⁸

During the incumbency of both Aguilar and Estrada Cortés's plans for exploring on the South Sea were interfered with, and he himself, after being suspended from his captaincy-general, was for a while exiled.⁹⁹ As a result of these internal disorders and the contest with Guzmán expansion now came to a standstill. On March 6, 1528, Cortés entrusted his property and affairs to his *mayordomo*, Francisco de Santa Cruz,¹⁰⁰ soon afterward, disheartened, he returned to Spain to plead his case at court, and to advocate measures for the extension of the conquest.

Before the arrival of Cortés in Spain, however, the king had provided for the establishment on the mainland of an *audiencia* similar to that of Santo Domingo. According to a royal *cédula* issued on December 13, 1527,¹⁰¹ New Spain and its prov-

⁹⁶ *Libro de Cabildo: Copia de Mayor Parte*, p. 187.

⁹⁷ Royal *cédula* in *ibid.*, pp. 200-201.

⁹⁸ " . . . dixeron q recibian e recibieron al dho Sor Tesorero Alonso de Estrada a la dha Gobernacn. e Administracn de la Justicia de esta Na. Espa." (*Libro de Cabildo: Copia de Mayor Parte*, p. 203).

⁹⁹ Bancroft, *Mexico*, II, 261-262.

¹⁰⁰ "Encargos de Hernán Cortés a su Mayordomo, Francisco de Santa Cruz. México 6 de Marzo de 1526," in Cuevas, *Cartas y Otros Documentos*, pp. 41-47.

¹⁰¹ Royal *cédula*, in Puga, *Provisiones, Cédulas, Instrumentos de su Magestad*, . . . (Mexico, 1563), ff. 12-13.

inces,¹⁰² Cabo de Honduras and Las Ygueras, Guatemala, Yucatán, Cozumel, Pánuco, La Florida, Río de las Palmas, and all the other provinces between the Cape of Honduras and the Cape of Florida on both the South Sea and the coasts of the north were

¹⁰² From the text of the above-cited *cédula* it seems that by New Spain and its provinces at that time was meant that part of the mainland which had been conquered by Cortés and his agents, less Honduras, Guatemala, and Pánuco. The salutation of the *cédula* reads "Don Carlos. . . . A vos los nuestros Gouernadores, y otras justicias, y juezes qualesquier de la nueva España, y prouincias della cabó de Onduras y de las ygueras, y Guatimala e yucatan e Coçuniel y panuco, y la Florida, y rio d' las palmas, y d' todas las otras prouincias, que ay y se incluyen desde el dicho cabó de Onduras, hasta el cabó de la Florida; ansi por la mar del sur, como por las costas del norte, y a los concejos, justicias, Regidores Caualleros escuderos, y oficiales e omes buenos de todas los ciudades villas, e lugares de las dichas tierras e prouincias de suso declaradas,"

The next year, 1528, according to Herrera (*Historia General*, dec. iv., lib. iv., cap. ii.), the king with the approval and advice of Cortés, ordered that for the future New Spain should be understood to include all of the provinces at that time a part of the government of Mexico, Pánuco, Yucatán, Cozumel, Guatemala, and Río de las Palmas. The statement of Herrera is as follows: "i aunque havia dado la orden referida, en la particion de los Terminos de cada Prouincia, con parecer de Don Hernando Cortés, para maior declaracion, se mandó, que para adelante fuese visto llamarse Nueva-España, todas las Prouincias, que al presente eran de la Governacion de Mexico, Panuco, Yucatán, coçumél, i la de Guatemala, i del Rio de las Palmas, que estaba dado á panfilo de Narvaez con todo lo inclusu en sus Limites, i Governaciones"

In the above use of the term New Spain, however, it seems likely that Herrera meant the Audiencia and Royal Chancery of New Spain and not the political jurisdiction of the same name. The following facts are offered to support the above conclusion. In 1530 a new *audiencia* was sent to New Spain. From the text of a royal order (in Puga, *Provisiones, Cédulas*, ff. 47-48) issued on July 12, 1530, to the governors and other subjects under the jurisdiction of this new *audiencia* it is even clearer than from the text of the above-cited *cédula* of December 13, 1527, that the political jurisdiction of New Spain included only that part of the mainland conquered by Cortés and his agents, with the exception of Honduras, Guatemala, and Pánuco. The order in question reads in part as follows: "Don Carlos A vos nuestros Gouernadores Alcaldes mayores, y vuestro lugar teniente, en el dicho oficio, & a todas & qualesquier nuestros juezes & justicias de todas las ciudades villas y lugares, assi de la nueua España & prouincias della, como de las prouincias de cabó de honduras & las ygueras y Guatimala & Yucatan y Coçuniel, y Panuco, y Florida, y rio de las Palmas, como de todas las prouincias que ay, y se encluyen desde el dicho cabó de honduras, hasta el cabó de la Florida, assi por la mar del sur, como por la costa del norte, & cada vno de vos en vuestros lugares y jurisdiciones a quien esta nuestra carta fuere mostrada,"

Another order (in *ibid.*, f. 48) issued on the same day gives added support to the above conclusion. It reads in part as follows: "Don Carlos A todos

placed under the immediate jurisdiction¹⁰³ of this *audiencia* designated as "la audiencia y chancilleria real de la nueva España".¹⁰⁴ It was further provided that the *audiencia* should be composed of four *oidores* and a president. The four *oidores*, according to Bancroft,¹⁰⁵ were appointed at once, and by April 5, 1528, Nuño de Guzmán, governor of the province of Pánuco and Vitoria Garayana, had been named president.¹⁰⁶ On January 1, 1529, the *audiencia* was formally convened at the City of Mexico, but instead of entering upon its assigned duties, of which the completion of the *residencia* of Cortés was one, an era of misrule and injustice was at once inaugurated.¹⁰⁷

In the meantime Cortés had been received with favor at court and on July 6, 1529, the king granted him certain towns in New Spain and the vassalage of twenty-three thousand natives. According to the terms of this grant Cortés was to receive the revenues and tribute otherwise due to the crown and was to exercise both civil and criminal jurisdiction. It was provided, however, that appeals might be made from Cortés and his *alcalde mayor* to the crown, to the council, and to the judges of the

los nros Gouernadores & vuestros lugar tenientes & Alcaldes mayores, & otros Juezes & justicias qualesquier de todas las ciudades, villas y lugares de la nueva España & prouincias della, y de las provincias de cabo de honduras, y las yegueras, & Guatimala, y Yucatan, y Coqueniel, y Panuco y la Florida y rio de las palmas, & todas las otras provincias, que ay"

¹⁰³ The officials and colonists in the above-mentioned province were informed by the king that for the good government of the designated lands and for the administration of justice in them it had been decided to establish an *audiencia* and royal chancery in the City of Mexico. They were further ordered, each and every one, to obey and to respect, to comply with and to execute, and to cause to be complied with, guarded, and executed, the mandates of the *audiencia* in every way and in exactly the same spirit as if the king had issued them (Royal *cédula*, in Puga *Provisiones, Cédulas*, ff. 12-13).

¹⁰⁴ "Provision para la audiencia," in Puga, *op. cit.*, f. 7.

¹⁰⁵ Mexico, II. 274. The *oidores* appointed were Francisco Maldonado, Alonso de Parada, Diego Delagadillo, and Juan Ortiz de Matienzo. They sailed for New Spain in July, 1528 (*ibid.*, 274, 278; Moses, *Establishment of Spanish Rule*, p. 81).

¹⁰⁶ Instrucion [del Rey] a Nuño de Guzman, in Puga, *Provisiones, Cédulas*, ff. 22-26.

¹⁰⁷ Bancroft, *Mexico*, II. 282, *et seq.*

audiencias and chanceries.¹⁰⁸ Later that same day the title of Marques del Valle de Guajaca (Oaxaca)¹⁰⁹ was formally conferred upon Cortés,¹¹⁰ and still later in the day he was appointed¹¹¹ captain-general of all New Spain,¹¹² with responsibilities and prerogatives equal and similar to those of the captains-general of other jurisdictions in Tierra Firme and elsewhere in the new world. Orders were at the same time issued to the president and *oidores* of the *audiencia* and to all other officers and subjects in New Spain to recognize and receive Cortés as their captain-general.¹¹³

The *residencia* of Cortés not having been concluded no statement was made concerning his reinstatement as governor of New Spain. On October 27, 1529, however, Cortés was given the right to explore, conquer, and settle any islands in the South Sea that lay within the jurisdiction of New Spain and also any other islands that he might discover lying further west and not included in grants to other jurisdictions at that time administered by governors. Cortés was also given authority to explore by way of the

¹⁰⁸ "Carta de merced de veintitres mil vasallos en la Nueva España, hecha por el Emperador a Hernan Cortés, Marqués del Valle," in *Col. Doc. Inéd.*, XII. 291-297. The same document, with differences in the spelling of some of the proper names, is also printed in Puga, *Provisiones, Cédulas*, ff. 66-67. See also Bancroft, *Mexico*, II. 308-309.

¹⁰⁹ As early as April 1, 1529 Cortés had been addressed by the king as Marqués ("Real cédula nombrando á Hernán Cortés capitán general de Nueva España", in *Col. Doc. Inéd.*, XII. 379-380), and as early as May Cortés appears to have assumed the title of Marqués del Valle ("Escrito Testimonial de Hernán Cortés, Marqués del Valle, ante S. M. en su Real Consejo de Indias. Presentados en Toledo a 19 de Mayo de 1529", in Cuevas, *op. cit.*, pp. 53-54; "Escrito Judicial firmado por Hernán Cortés. Toledo 29 de Mayo de 1529", in *ibid.*, pp. 55-56).

¹¹⁰ "Título de Marques del Valle, otorgado á Hernando Cortés [July 16, 1529] in *Col. Doc. Inéd.*, XII. 381-383. The same document is also printed in *Col. Doc. Inéd. de España*, I. 105-108. In the latter copy the date July 20 is given. That is manifestly incorrect, since in two other *cédulas* issued on July 6 Cortés is referred to as Marqués del Valle (*Col. Doc. Inéd.*, XII. 380-381, 384-386; *Col. Doc. Inéd., de España*, I. 103-105).

¹¹¹ As early as April 1, 1529, Cortés had been told that until his *residencia* was concluded and the outcome known he might bear the title of captain-general of all New Spain, and provinces and coasts of the South Sea (Real cédula nombrando á Hernan Cortés captain general de Nueva España, *loc. cit.*, XII. 279-380).

¹¹² "Título de capitán general de la Nueva España otorgado al Marques del Valle," *loc. cit.*, XII. 384-386.

¹¹³ *Ibid.*

west coast any part of the mainland not previously discovered and not included in the grants to Pánfilo de Narváez and Nuño de Guzmán. At the same time he was promised for life the governorship and the office of *alguacil mayor* of all such islands and lands discovered and conquered.¹¹⁴ On November 5 this promise was fulfilled and Cortés was named governor and *justicia*, with civil and criminal jurisdiction.¹¹⁵

In July, 1530, Cortés reached New Spain, where friction at once developed between himself and the *Audiencia*. This, however, was of short duration, for a new *Audiencia*,¹¹⁶ pledged to the execution of justice was convened in the City of Mexico on January 12, 1531.¹¹⁷ The area over which this *Audiencia* exercised jurisdiction¹¹⁸ and its powers were practically identical with those of its delinquent predecessor.¹¹⁹

Prior to the organization of the second *Audiencia*, the king had decided to establish a viceroyalty in New Spain, and as early as 1530 Don Antonio de Mendoza had been chosen to serve as the first viceroy.¹²⁰ It was not, however, until April 17, 1535, that Mendoza's commission formally designating him as viceroy and governor of New Spain and its provinces, was issued. By this

¹¹⁴ "Capitulacion que se tomó con el Marqués del Valle, para el descubrimiento de la mar del sur," in *Col. Doc. Inéd.*, XXII. 285-287, and *Col. Doc. de España*, I. 108-109.

¹¹⁵ "Cédula de Carlos V nombrando á Hernán Cortés, Gobernador de las islas y tierras que descubriese en el mar del Sur," in *Col. Doc. Inéd., de España*, II. 401-405.

¹¹⁶ As early as March 22, 1530, the queen in a *cédula* addressed to Cortés announced her intention of sending a new *audiencia* to New Spain (Royal *cédula*, in *Col. Doc. Inéd.*, XII. 403-404). On July 12 instructions were issued to the new *audiencia* of which Sebastian Ramirez de Fuenleal, Bishop of Santo Domingo, was president, and Juan de Salmeron, Alonso Maldonado, Francisco Ceynos, and Vasco de Quiroga were *oidores* (Puga, *Provisiones, Cédulas*, f. 37, *et seq.* and f. 56).

¹¹⁷ Bancroft, *Mexico*, II. 326. Orozco (*Legislación y Jurisprudencia sobre Terrenos Baldíos*, I. 2 vols., Mexico 1895, p. 176) gives December 16, 1530 as the date of the installation of the second *audiencia*.

¹¹⁸ For the exact limits of the jurisdiction of the second *audiencia* see paragraph 3, note 102.

¹¹⁹ Bancroft, *Mexico*, II. 322-326.

¹²⁰ Bancroft, *Mexico*, II. 376; Beaumont, *Cronica . . . de Michoacan* (Mexico, 1873-1874), III. 539.

commission Mendoza was authorized to govern New Spain and its provinces in the name of the king and as his viceroy. As such, he was instructed to look after the propagation of the faith, the welfare of the native subjects, and the development of the country. At the same time, instructions were issued to all officials and residents of New Spain and its provinces to receive Mendoza as the king's viceroy and governor.¹²¹ On the same day Mendoza was named president of the *Audiencia* of New Spain, although he did not have the right to vote on judicial matters.¹²²

(3) *The Founding of Nueva Galicia; Cortés in the West.*—The town of Colima, founded by agents of Cortés in 1522 remained until 1530 the northern Spanish outpost in the region bordering the South Sea. Prior to this, however, Tzintzuntzan had been designated as the capital of the rapidly developing province of Michoacan.¹²³ From there, where he recruited and provisioned his forces, Guzmán, the unworthy president of the first *audiencia*, anxious to retrieve his waning prestige by extending the conquest, advanced in December, 1529, into the region to the north. On May 29, 1530, having left a garrison at Tepic,¹²⁴ Guzmán crossed the Tololotlan River into unexplored territory and formally took possession of it under the name of Mayor España. During the winter of 1530-1531, Guzmán advanced into what is now Sinaloa, and in October, 1531, he moved further north and founded the *villa* of San Miguel de Culiacán, from where he himself set out about the middle of October for Jalisco.¹²⁵ He had succeeded in establishing a new Spanish outpost far to the north of the frontier of settlement.

¹²¹ Royal order in Puga, *Provisiones, Cédulas*, ff. 98-99.

¹²² Royal order in *ibid.*, f. 99. Before the appointment of Mendoza orders to New Spain were usually addressed to "Nuestro presidente & oydores de la nuestra audiencia y chancilleria de la nueva España" (Puga, *Provisiones, Cédulas* ff. 52, 70, etc.). After Mendoza was sent to New Spain, the salutation contained in the royal orders was frequently as follows: "Don Antonio de Mendoza, nuestro Visorrey & Gouernador de la nueva España & presidente de la chancilleria real, que en ella reside" (*ibid.*, ff. 108-114, etc.).

¹²³ Bancroft, *Mexico*, II. 341-343.

¹²⁴ Bancroft *op. cit.*, II. 356.

¹²⁵ Bancroft, *op. cit.*, II. 356-365; Bancroft, *History of the North Mexican States and Texas* (San Francisco, 1884-1889), I. 29-39.

Prior to Guzmán's return to Jalisco he received word that the king, in response to his request, had confirmed him as governor of the newly conquered region.¹²⁶ The assumption of Guzmán, however, that this region, subdivided by him into provinces, constituted an independent jurisdiction, separate and apart from New Spain,¹²⁷ together with the arrogantly-chosen title, Greater Spain, met with royal disfavor. Not only was Greater Spain changed to New Galicia but by the latter's complete title *Nueva Galicia de la Nueva España*, it was specifically designated as a part of New Spain,¹²⁸ although no definite boundaries were at the time assigned to it.¹²⁹ Jalisco was now permanently occupied, many claims, including those of Cortés, despite his captaincy-general of all New Spain, being unscrupulously ignored and encroached upon by Guzmán.

As a result of his aggressions in the south, however, Guzmán prior to 1533, was ordered by the Audiencia of New Spain to restrict his operations to the region north of Jalisco and not to interfere in the affairs of Colima, Michoacan, and Tonalá.¹³⁰ On April 20, 1533, the queen in a royal order rebuked Guzmán for having interfered in the affairs of the *villa* of Colima and advised him in the future not to exceed his instructions as governor of his province.¹³¹ One month later Guzmán as "governor

¹²⁶ Bancroft, *Mexico* II. 365.

¹²⁷ On July 8, 1530 Guzman wrote a letter "En Omitlan, en la provincia de Mechuacan, de la Mayor España (*Col. Doc. Inéd.*, XIII. 393). Another letter was written on January 15, 1531 "Desta provincia de Chiametla, en la mayor España" (*ibid.*, 408). The name "Mayor España" or its Latin equivalent is found on maps of the period.

¹²⁸ As early as February 17, 1531, royal instructions were issued to the officials "de la provincia de Galizia de la nueva España" (Royal order in Puga, *Provisiones, Cédulas*, f. 73). In another order issued on April 20, 1533, Guzmán was addressed as "nuestro Gouernador de la nueva Galizia de la nueua España" (*ibid.*, f. 82). A month later the salutation of a royal order to Guzmán read, "Nuestro Gournador de la prouincia de Galicia de la nueva España" (*ibid.*, f. 87).

¹²⁹ Bancroft, *Mexico*, II. 365-366.

¹³⁰ *Ibid.*, II. 372.

¹³¹ Royal order in Puga, *Provisiones, Cédulas*, f. 82. Another order was issued the same day relieving Guzmán of his commission as governor of Pánuco, the reason being that no provincial government was necessary there (*ibid.*, f. 82).

of the province of Galicia of New Spain", was instructed by the queen to keep the president and *oidores* of the *Audiencia* informed concerning what was necessary for the settlement (*poblacion*) and conversion of the natives and for the pacification of the province.¹³² Henceforth, Nueva Galicia, as a political unit, was under the unquestioned jurisdiction of the viceroy.¹³³

In the meantime Cortés, with his bases of operations at Acapulco and Tehuantepec, had put into execution his long-projected plan of northward exploration by water. In 1532 an expedition under Hurtado de Mendoza probably reached the Río del Fuerte, though none of the members ever lived to return. The following year another expedition discovered Baja California and, in 1535, Cortés established the short-lived colony of Puerto de la Paz on the east coast of the peninsula.¹³⁴ Thus by the terms of the *cédula* of November 5, 1529, making him governor of all lands discovered, Cortés became the first governor of California.¹³⁵

(4) *The Delimitation of Castilla del Oro, Nicaragua, and Veragua.*—Further south on the mainland political readjustments were being made at the same time. Even before Cortés left Honduras for Mexico Pedrarias had moved north from Panamá against Córdoba, who was at that time making overtures to Cortés. The execution of Córdoba and the departure of Cortés filled Pedrarias with the ambition of wresting Honduras from Saavedra and of annexing it to Castilla del Oro, as Nicaragua had been. The territory bordering upon Honduras was occupied and

¹³² Royal order in Puga, *op. cit.*, f. 87.

¹³³ On February 3, 1537, the king, because of the rebellious and disrespectful attitude assumed by the new governor and other officials of Nueva Galicia, ordered them henceforth to obey the *audiencia* and to respect and execute, as well as cause to be respected and executed, the orders of the president and *oidores*. This was to be done without question or delay, and co-operation and assistance were to be given to the *audiencia* upon request. Otherwise the officials of Nueva Galicia were threatened with the penalties commonly meted to disloyal subjects (Royal *cédula*, in Puga, *op. cit.*, f. 112 *et seq.*).

¹³⁴ Bancroft, *North Mexican States*, I, 41-53.

¹³⁵ See "Map of the South Sea and the Gulf of California Reproduced from the original found in the possession of the Marques del Valle," in MacNutt, *Fernando Cortés*, p. 450.

plans were laid for advancing into the province, when the arrival at Panamá of a new governor, Pedro de los Ríos,¹³⁶ caused the plans to be abandoned. Even before this the new governor, Diego López de Salcedo, had arrived in Honduras.¹³⁷ Thus it was that the desire of Pedrarias to include Honduras within the limits of Castilla del Oro was thwarted by two different and unexpected events. Pedrarias returned to Panamá from León but before his *residencia*, instituted upon his arrival, was completed, Nicaragua, by royal order was separated from Castilla del Oro, and Pedrarias appointed governor there.¹³⁸ Civil war followed between the rival governors of Honduras and Nicaragua. The outcome was on the whole favorable to Pedrarias and within the next few years the eastern part of the mainland had been explored between the San Juan and the Segovia rivers and a colony established at Cape Gracias a Dios.¹³⁹ To the northwest Salvador was temporarily occupied by lieutenants of Pedrarias but was later regained by Alvarado operating from Guatemala.¹⁴⁰ In the south a contest with Pedro de los Ríos finally resulted in the king, on April 21, 1529, definitely placing the *villa* of Bruselas within the jurisdiction of Nicaragua.¹⁴¹

In 1534, the long contest between the heirs of Columbus and the crown over Veragua was compromised and Felipe Gutiérrez, an agent of the widow of Diego Columbus, was appointed gover-

¹³⁶ Pedro de los Ríos was named governor of Castilla del Oro in a royal *cédula* dated at Toledo on August 25, 1525, but his commission was not issued until October 28 of that year. His instructions were dated at Seville on May 3, 1528 (Peralta, *Costa-Rica, Nicaragua y Panamá*, Madrid, 1883, p. 718). Ríos arrived at Nombre de Dios from his home in Espaniola on July 30, 1528 (Bancroft, *Central America*, I, 592).

¹³⁷ Salcedo was inaugurated at Trujillo on October 27, 1526. (*Traslado testimoniado de una cédula del Emperador Carlos V y de Doña Juana su madre, nombrando á Diego Lopez de Salcedo por gobernador del Golfo de las Higueras*”, in *Col. Doc. Inéd.*, XIV, 47-52).

¹³⁸ Pedrarias was named governor of Nicaragua by the king in a royal *cédula* dated at Valladolid on March 16, 1526, his term of office to depend upon the pleasure of the king. The commission was despatched to Pedrarias on June 1, 1526 (Peralta, *op. cit.*, p. 719).

¹³⁹ Bancroft, *Central America*, I, 607.

¹⁴⁰ *Ibid.*, 611; Peralta, *op. cit.*, IX.-XI.

¹⁴¹ Peralta, *op. cit.*, IX.-XI.

nor by the crown. In 1535, Gutiérrez founded on the banks of the Belén, or of the Veragua River, the short-lived city of Concepción. Its abandonment was but the continuation of a checkered history that was in time to result in the assumption by the crown of direct control over the jurisdiction.¹⁴²

Thus, by 1535, the northern and southern streams of conquest from Panamá and from Mexico had met, the establishment and delimitation of political jurisdictions in what is now Central America and Southern Mexico had followed and, with the exception of Veragua, Spanish occupation therein had been definitely effected. Overshadowing and outstripping all other jurisdictions was that of New Spain, which now, in 1535, became the first viceroyalty on the mainland of the Americas. Great as New Spain was at that time, the foundation for its future greatness had only been laid; thenceforth, its expansion was in the direction of the north, where even richer fields invited conquest.

CHARLES W. HACKETT.

Berkeley, December, 1917.

¹⁴² Guardia, *Discovery and Conquest of Costa Rica*, pp. 107-115. In 1537 Veragua was created a dukedom, Don Luis Columbus being named the first duke. After repeated failures to settle the district the dukedom was surrendered to the crown on December 2, 1556 for an annual pension of 7,000 ducats (*ibid.*, pp. 114-115). See also Peralta, *op. cit.*, pp. 725-727.

THE RECOGNITION OF THE SPANISH COLONIES BY THE MOTHERLAND¹

Shortly after the usurpations of Napoleon in Spain, the protracted revolution against Spanish rule in America began. During the second and third decades of the nineteenth century the map of the Three Americas revealed the shadowy outlines of a new family of states. In 1822 the government of the United States announced its intention to recognize the independence of the Spanish-American colonies. Any prospect for the recognition of the revolted colonies by Spain that may have existed under the constitutional monarchy, however, was shattered by the overthrow of that government by French soldiers and by the restoration of the absolute king. On October 1, 1823, Ferdinand VII. issued a proclamation announcing that all acts of the constitutional government since March 7, 1820, were null and void.² On January 26, 1824, Ferdinand decreed that the authority which the constitutional government had granted certain commissioners to negotiate with the American revolutionists upon the basis that Spain was contemplating the acknowledgment of the Spanish-American colonies should be abrogated. In the same decree the king announced that any acts of those commissioners which were contrary to "the legitimate rights of the crown of Spain" and to "his royal sovereignty" should be null and void; and he ordered those commissioners immediately to return to the Spanish peninsula. The absolute king directed his viceroys, captain-generals, and governors in Spanish America to publish this significant decree and to take the proper measures to carry it out.³

¹ Originally this article was a chapter of a monograph entitled "The Recognition of the Spanish-American States" which the writer presented to the Congress of Bibliography and History that assembled at Buenos Aires in July, 1916, in commemoration of the centenary of the declaration of Argentine independence.

² *Colección Legislativa de España*, VII. 147-149.

³ "El Rey" to Silvestre Collar (printed), January 26, 1824, Archivo General de Indias, Indiferente General, 146-1-18.

During the rule of Ferdinand VII., the government of the United States—which had recognized the independence of several Spanish-American nations—made persistent efforts to influence the Spanish government in favor of recognition. In the instructions of Secretary of State Henry Clay to Alexander H. Everett, minister to Spain, on April 27, 1825, that secretary mentioned as a subject of “the highest importance” the war between Spain and her former colonies and maintained that the Spanish government ought to recognize the independence of those colonies by “a formal pacification”.⁴ Accordingly Minister Everett soon urged the recognition of the colonies upon Spain’s secretary of state, Francisco Zea Bermúdez, but without avail. After Everett had informed that secretary that the American minister at St. Petersburg had been instructed to solicit the coöperation of Russia in the attempt to induce “the Spanish Government to put an end to the war by an acknowledgment of the independence of the colonies”, the Spanish diplomat again declared “in the most positive manner, the King’s unalterable resolution never to abandon his rights and to refuse all offers of mediation, or of amicable intervention, which should contemplate an acknowledgment of the independence of the new States”.⁵ On January 20, 1826, Everett addressed to the Duke del Infantado, the new secretary of state, a confidential memorial concerning Spanish-American independence. In that memorial the American minister declared that when the independence of Spain’s colonies was “well established, it became a duty to regard and treat them as Sovereign Powers”. Everett argued that the Spanish colonies had “grown up into six or eight populous and powerful nations”; that a magnanimous act on the part of King Ferdinand would pacify the entire American continent; and that the recognition of Spanish-American independence would greatly benefit Spain.⁶

⁴ *American State Papers, Foreign Relations*, V. 794.

⁵ *Ibid.*, 796. On the representations of the United States concerning Spanish America at the court of Russia, see Moore, *A Digest of International Law*, I. 93, 94.

⁶ *American State Papers, Foreign Relations*, VI. 1006–1014. Certain reflections of Everett upon the conduct of Juan Martín de Pueyrredón, who had been the Supreme Director of the United Provinces of La Plata, evoked a response from Pueyrredón which is found in *Documentos del Archivo de Pueyrredón*, II. 207–223, 277, 278.

But these arguments did not convince the absolute king: on May 5, 1828, the government of Spain addressed to European powers a formal protest against the acknowledgment of the independence of the Spanish-American colonies.⁷

On September 29, 1833, Ferdinand VII. died of apoplexy. That king bequeathed the Spanish crown to the Infanta Isabella, the child of his marriage with María Cristina. Accordingly the latter became queen regent of Spain on behalf of her daughter; prominent liberals soon returned from exile, and the old ministry passed from power. In the belief that the accession of a new monarch was a favorable conjuncture, and in accordance with the wishes of his government, on February 12, 1834, C. P. Van Ness, Everett's successor, addressed a note to Martínez de la Rosa, who had become secretary of state, declaring that the United States wished to facilitate an adjustment of the differences between Spanish America and Spain.⁸ On June 12, 1834, Martínez de la Rosa replied that the queen regent wished to end the family quarrel; she had accordingly authorized him to instruct Spain's ambassadors at Paris and London to afford any Spanish-American commissioners who might appear at those capitals such guarantees as they might desire, provided that they were authorized "to offer to Spain a just and honorable arrangement".⁹ The American minister promptly transmitted a copy of that response to Washington.¹⁰ On September 4, 1834, in accordance with the wishes of the queen regent, the Spanish secretary of state assured Van Ness that her Majesty's cabinet was ready to enter into "a frank negotiation" with commissioners from the Spanish-American states "to effect a definitive arrangement on principles of Justice and reciprocal advantage".¹¹ The government of the United States kept the leading Spanish-American nations informed of the

⁷ "Protesta dirigida á las potencias extranjeras contra el reconocimiento de América en 5 de Mayo de 1828", Archivo General de Indias, Estado, América en General, 6.

⁸ *British and Foreign State Papers*, XXV. 1026; Moore, *A Digest of International Law*, I. 95.

⁹ *British and Foreign State Papers*, XXV. 1034, 1035.

¹⁰ *Ibid.*, 1035.

¹¹ *Ibid.*, 1041.

progress of its negotiations concerning recognition.¹² When John Forsyth, the American secretary of state, received from Van Ness a copy of the note of Martínez de la Rosa, dated September 4, he addressed a communication to the Spanish-American diplomats at Washington informing them of the change in Spain's policy concerning recognition.¹³ Forsyth also sent a similar communication to envoys of the United States at Spanish-American capitals transmitting the advice of the President that commissioners should be sent to Madrid to enter upon the "proffered negotiations".¹⁴

Meanwhile the initiative in the negotiations for recognition had been taken by Venezuela. In December, 1833, President Páez of Venezuela appointed General Mariano Montilla envoy to the court of Madrid with power to conclude a treaty of peace which would establish friendly relations between Venezuela and Spain; and, in a letter addressed to the queen regent, Páez declared that Venezuela offered her commerce to Spain upon the basis of the most favored nation.¹⁵ In May, 1834, Montilla reached London, where in October, Spain's ambassador, the Marquis of Miraflores, granted him a passport to proceed to Spain.¹⁶ But, on the eve of his journey to Madrid, Montilla was ordered to return to South America, and he soon left England for Venezuela.¹⁷ A short time afterwards, the Venezuelan president appointed General Carlos Soublette to replace Montilla.¹⁸ In April, 1835, Soublette held a conference at Madrid with Martínez de la Rosa, in which it became apparent that there were some delicate financial problems to be adjusted between Spain and her ancient colonies.¹⁹

When José María Calatrava became Spain's secretary of state

¹² *Memoria del Ministro de Relaciones Esteriores presentada al Congreso Nacional [de Chile] en 1834*, pp. 6-15.

¹³ Moore, *A Digest of International Law*, I. 95, 96.

¹⁴ *British and Foreign State Papers*, XXV. 1043, 1044.

¹⁵ Páez, *Autobiografía* (Caracas, 1888), II, 403, 404.

¹⁶ *Ibid.*, 407.

¹⁷ *Documentos para los Anales de Venezuela desde el Movimiento Separatista de la Unión Colombiana hasta Nuestros Días*, segundo período, IV. 452, 453; Páez, *Autobiografía*, II. 407.

¹⁸ Páez, *Autobiografía*, II. 407.

¹⁹ *Ibid.*, 408-410.

in the ministry of Count Toreno, the Venezuelan envoy asked that secretary for an ultimatum concerning recognition. Accordingly, on November 4, 1835, Calatrava sent to Soublette the project of a treaty between Spain and Venezuela. Calatrava's project provided that Spain should recognize Venezuela as a sovereign and independent nation. Those two nations should conclude a treaty of commerce and navigation, embodying the principle of reciprocal advantages. The citizens of Spain and Venezuela should be considered reciprocally as citizens of the most favored nation. Venezuela should assume as a national obligation the debts contracted against her treasury by the Spanish government. All properties confiscated either by royalists or revolutionists during the revolutionary wars, which were still in possession of the confiscating party, should be immediately returned to their former owners, their heirs or representatives. For confiscated properties, which either government had disposed of, the former owners were to be indemnified. In addition, the contracting parties were to agree to a declaration that a treaty of commerce and navigation should be negotiated containing a provision that indigenous or manufactured products of Spain or Venezuela introduced in vessels of one party into the ports of the other should for twenty-five years be subject only to one-half of the duties levied upon the imports of the most favored nation. Calatrava suggested, however, that, if Venezuela would not accede to the last stipulation, it might be waived. In the meantime, the Cortes might authorize the government to conclude treaties with the new American states which should be based upon an acknowledgment of their independence.²⁰

On November 7, Soublette informed Calatrava of his views concerning the proposed treaty. He declared that "with the exception of the article regarding the assumption of the debt contracted in Venezuela by the Spanish authorities while they occupied that country, and of the article concerning indemnification for properties sequestered or confiscated from Spanish subjects which had been alienated, he believed that the treaty did not contain any provision which would preclude his approbation". However, he

²⁰ *Documentos para los Anales de Venezuela, segundo periodo*, IV. 472-475.

proposed five modifications of Calatrava's project: first, that his government would agree to recognize as a national obligation all debts contracted by the Spanish government in the former captaincy-general of Venezuela which were recorded in the books of the treasury on July 5, 1811; second, that all properties in the possession of his government which had been taken from Spanish subjects because of the revolutionary wars should be immediately restored to their owners, their heirs, or representatives; third, that the president of Venezuela would recommend Congress to authorize the restoration of properties upon which a sentence of confiscation had been passed, provided that those properties were still in the possession of the Venezuelan nation; fourth, that the Venezuelan president would recommend Congress to provide indemnity for confiscated properties that had been sold or alienated; fifth, that Venezuela and Spain would agree mutually to relinquish, for a term of years, a portion of the duties levied upon imports from either nation into the other, as a salve for reciprocal injuries supposedly sustained.²¹

But Secretary Calatrava refused to accede to these modifications; he still advocated his financial scheme, which, he declared, had been voluntarily enforced by Mexico since 1824. Still he avowed that her Majesty's government was ready to renew negotiations and to establish commercial relations with Venezuela even before "a formal treaty of reconciliation" was agreed to.²² From London, on January 30, 1837, Soublette sent his last note to the Spanish secretary of state, declaring that with regard to debts and indemnities the cases of Venezuela and Mexico were not analogous, and affirming that he appreciated the desire of Spain's government to establish commercial relations with his country.²³ In the meantime, Mexico had authorized Miguel Santa María, her minister plenipotentiary at the court of London, to proceed to Madrid in order that he might initiate negotiations with Spain for the recognition of Mexican independence. In the instructions to Santa María his government reminded him of a law of

²¹ *Ibid.*, 475, 476.

²² *Ibid.*, 476.

²³ *Ibid.*, 476, 477.

May 11, 1826, which provided that the Mexican republic would not consider any proposition from Spain unless based upon the acknowledgment of independence.²⁴ From London, on June 14, 1835, Santa María addressed a note to the president of the Spanish council of state explaining the special commission with which he had been charged.²⁵ Evidently the response was favorable; for Santa María soon appeared in Madrid.

At this juncture—when the rupture with Soublette had perhaps convinced Calatrava of the delicacy of the negotiations—the matter was submitted to the judgment of the Spanish legislature. On November 16, 1835, Regent Cristina made an address to the Cortes in which she spoke of the negotiations with the states of Spanish America in these words: "I have considered expedient for the interests of the nation and the throne, and indicative of the confidence with which the Cortes inspires me, to consult it upon an affair of such importance and transcendency, saving the prerogative of the crown".²⁶ In August, 1836, the regent was induced to proclaim that the constitution of 1812 was in force; Secretary Calatrava became the head of a new ministry. On November 7, 1836, Calatrava presented to the Cortes a communication concerning negotiations with the Spanish-American states. He declared that those states wished to be considered independent and that they desired Spain to renounce "all territorial or sovereign right" over them. As, according to the constitution, such action was not within the power of government, he had taken recourse "to the authority of the Cortes, so that it might declare what policy it considered expedient".²⁷ In the discussion of this message an Asturian, José Cango Argüelles, declared that this communication concerned the alienation of a very important portion of Spanish territory, and that various

²⁴ Bocanegra, *Memorias para la Historia de México Independiente*, II. 618; *Colección de Ordenes y Decretos de la Soberana Junta Provisional Gubernativa y Soberanos Congresos Generales de la Nación Mexicana*, IV. 34.

²⁵ Bocanegra, *Memorias*, II. 619.

²⁶ *Diario de las Sesiones de Cortes, estamento de ilustres próceres, legislatura de 1835 a 1836*, p. 8.

²⁷ *Diario de Sesiones de las Cortes Constituyentes, legislatura de 1836-1837*, I. 156, 157.

problems would have to be considered: military, and territorial, as well as diplomatic. Hence he proposed that the matter should be referred to a committee composed of persons possessing the wisdom and probity necessary for such "a delicate trust".²⁸ The Cortes accordingly referred the matter to a special committee composed of nine members.²⁹

This committee "concerning treaties with the new states of America", whose chairman was Joaquín María Ferrer, a deputy from Guipúzcoa, presented a report to the Cortes on November 27, 1836. The following excerpts from that report suggest its dilemma:

"In the opinion of the committee, the honor and dignity of Spain demand that the Cortes should act generously in this important affair, and that considerations unworthy of her noble character should not be involved in the emancipation of her former colonies. This disinterestedness and the nobility of her proceedings will be the best means of perpetuating the relations which are destined to draw together peoples of the same origin. When the independence of the new American states is recognized in this manner, tranquillity will be established in those regions, any occasion for the renewal of civil discords will cease, and humanity will recover her rights.

"At various epochs the Cortes has expressed its opinion concerning the necessity and advantage of recognizing the independence of our former continental possessions in America; but the vicissitudes of which we have been the witnesses and victims have always found in the absolute government an obstacle to prevent that opinion from producing results as effective as the nation desired.

"The regret of the mother country on separating forever from her American children is natural and well-founded. But that sentiment is transformed into an agreeable emotion of national pride on considering that, during the brief period of three hundred years in which that large family has been ruled by the laws of Spain, its members have reached that stage of education and

²⁸ *Ibid.*, 157.

²⁹ *Ibid.*

maturity which enables them to take leave of their mother and to begin their career as independent nations.

"In the light of those considerations, the committee has carefully considered all the documents presented by the secretary of state. That secretary, who was invited to attend its sessions, has neither reserved nor omitted any data or explanations which it considered necessary. The members of the committee are satisfied that the government of her Majesty has conducted these negotiations with the proper zeal and prudence".

In conclusion, the committee recommended to the consideration of the Cortes a single proposal, namely:—

"The general Cortes of the kingdom authorizes the government of her Majesty that—notwithstanding articles ten, one hundred and seventy-two, and one hundred and seventy-three of the political constitution of the monarchy promulgated at Cadiz in the year 1812—it may conclude treaties of peace and amity with the new states of Spanish America upon the basis of the recognition of their independence and the renunciation of all territorial or sovereign rights on the part of the motherland, provided that in other respects the government judges that neither the honor nor the national interests are compromised".³⁰

This significant report was considered by the Cortes on December 1, 2, and 3, 1836. According to one speaker, when the momentous question was presented for discussion, a hush fell upon the Cortes.³¹ Then several members arose to speak. In the first speech made concerning recognition Dionisio Váldez struck the quavering keynote of the discussion. He declared that every Spaniard should feel keenly on being compelled to recognize the independence of "so precious a part" of Spanish territory. "The events from 1823 to the present day", said Váldez, "have estranged those provinces more and more from the metropolis. We have not known how to secure the only terms which remained to us,—terms which nations more powerful have obtained from their colonies—thus securing greater advan-

³⁰ *Diario de Sesiones de las Cortes Constituyentes, 1836-1837*, I. Apéndice al Número 40, 1, 2.

³¹ *Diario de sesiones de las Cortes Constituyentes, 1836-1837*, I. 454.

tages than they enjoyed with the sovereignty over those dominions". He argued that, as the lost territory could not be reconquered, Spain should attempt to secure control of Spanish-American commerce, as England obtained the commerce of the United States after recognizing her independence.³² Gómez Acebo declared that the recognition of Spanish America should be announced in "the noblest and grandest terms". He wished the government to mention the commercial advantages which such recognition would bring to Spain.³³ Whereupon, the secretary of state expressed his opinion that the Cortes should proceed generously and should not demand a price for recognition. He suggested that perhaps the government might not be able to obtain commercial favors from the new states; for they had entered into treaties of commerce with other nations. "The preliminary step", said Calatrava, "is the recognition of independence and the negotiation of treaties of peace and friendship. As the government is not empowered to negotiate such treaties, it requests the necessary authorization. After this is granted, treaties of commerce will be negotiated, which will be subject to the approval of the Cortes".³⁴

Joaquín María Ferrer then explained that the Cortes had been asked to formulate a policy because the Spanish constitution did not permit the government to make treaties with colonies which had been an integral part of the monarchy, and whose independence had not been acknowledged by Spain. In the course of a masterly analysis of the situation, Ferrer declared that Mexico was the only country in Spanish America which had respected the property rights of Spaniards; hence a treaty could most easily be negotiated with her.³⁵ Canga Argüelles—who had vigorously opposed measures which contemplated the acknowledgment of Spanish-American independence by the Cortes in 1823—now declared that no one doubted the necessity of such an acknowledgment.³⁶ On December 3, Francisco Luján, a

³² *Ibid.*, 442, 443.

³³ *Ibid.*, 443.

³⁴ *Ibid.*, 444.

³⁵ *Ibid.*, 444, 445.

³⁶ *Ibid.*, 457.

deputy for Badajoz, declared: "The emancipation of the Americans is *de facto* accomplished; nations, like individuals, have their periods of vigor and strength: at present the Americans are in that stage. On our part, we should give to their separation a legal character; in order to legitimize what they now possess, and give to their countries the seal of stability which they need in order to terminate the ambitions and discords that ferment in their provinces."³⁷ Miguel Cabrera de Nevares—who had advocated recognition of the colonies and the formation of an Hispanic confederation in 1822—declared that the Spanish-American "countries were *de facto* independent"; this they owed to themselves: "to be independent *de jure* they will owe to us. The independence of the American colonies was written in the book of destiny: three thousand leagues of water and the innate love of the Spaniards for liberty,—those are the causes which have contributed to the separation,—and not the impotence of the Spanish nation".³⁸ A deputy for Cadiz, Cayetano Cardero, declared that recognition was a work of justice, and asked that the Spaniards of both hemispheres should cease their discord. He proposed that recognition should take place at once: "The province of Cadiz, like the rest of the peninsula, stretches out her arms toward the Americans to say to them: 'Come, friends and brothers, come to our arms and receive the homage of fraternity and of friendship; but never forget that European Spain was your mother country, that to her you owe your being.' I hope that the Spanish-Americans will keep this in mind, and that they will always show themselves grateful to the Spaniards, their fathers".³⁹

On December 3, 1836, the Cortes took a vote upon the committee's proposal, which was approved unanimously:—one hundred and forty members voted in favor of it.⁴⁰ A few other members, who were not present when that action was taken, later indicated their approval.⁴¹ On December 4, the decree regarding the recognition of the Spanish-American states was

³⁷ *Ibid.*, 463.

³⁸ *Ibid.*, 465.

³⁹ *Ibid.*, 467.

⁴⁰ *Ibid.*, 469.

⁴¹ *Ibid.*, 474, 477.

read in the Cortes and found to conform to the minutes. That decree quoted exactly the words of the single proposal made by the special committee on November 27, 1836.⁴² In this manner the Spanish legislature suspended those articles of the constitution which prohibited the alienation of national territory and authorized the executive department of the government to negotiate treaties with the Spanish-American states acknowledging their independence. The negotiations between Calatrava and Santa María soon reached a successful termination: on December 28, 1836, those diplomats signed a "treaty of peace and amity" between Mexico and Spain, which was composed of eight articles.

The first article of this treaty provided that her Majesty the queen regent of Spain, in the name of her august daughter, Doña Isabella II., recognized the republic of Mexico as "a free, sovereign, and independent nation, composed of the states and countries specified in her constitutional law". It was declared that the dominions of Mexico comprised the former viceroyalty of New Spain, the captaincy-general of Yucatan, the commandancies of the eastern and the western interior provinces, lower and upper California, with the annexed territories and adjacent islands, which were actually in her possession. The queen regent renounced, "as well for herself, as for her heirs and successors, all pretensions to the government, property, and territorial right of those states and countries". The second article of the treaty provided that there should be a general and complete amnesty for all Spaniards and Mexicans, without regard to the party to which they had belonged during the revolutionary wars and dissensions: this amnesty was to be considered as a proof of her Catholic Majesty's desire to cement "upon principles of justice and beneficence the firm friendship, peace, and union" which were henceforth to be maintained between her subjects and Mexican citizens. Article three provided that the citizens and subjects of both nations were to preserve their right "to claim and to obtain justice and full satisfaction for the debts *bona fide* contracted with each other". Article four declared that the contracting powers had agreed to conclude as soon as possible "a treaty of commerce

⁴² *Colección Legislativa de España*, XXI. 584, 585.

and navigation based upon the principle of reciprocal advantages for the two countries". Article five provided that the citizens of her Catholic Majesty and citizens of the Mexican republic should be considered reciprocally as citizens of the most favored nations, except in cases when mutual concessions were agreed upon. Article six provided that Spanish subjects and Mexican citizens in the dominions of Mexico or Spain respectively should be protected in their persons and properties, and that they should be exempt from forced service in the army or navy and from all taxes not paid by the citizens of said states. Similarly, with regard to the administration of justice, they were to be treated like citizens of the respective nations. Article seven stated that, as in 1824, the government of Mexico had assumed the debts incurred by Spain in the former viceroyalty, and as there did "not take place in that republic any confiscation of property belonging to Spanish subjects", Mexico was released of all responsibility on that score. The last article provided that the ratifications of the treaty should be exchanged at Madrid within nine months.⁴³ On December 29, 1836, a royal decree was issued stating that Spain considered Mexico as "a friendly power", and announcing that the principal negotiations for "the reconciliation of Spain and Mexico" had terminated successfully. This decree also announced that neither Spain nor her subjects would undertake any hostilities against Mexico or her citizens; that Mexicans in Spain should be considered as subjects of a friendly power; and that Mexican merchant vessels should be admitted to Spanish ports as the vessels of a friendly nation.⁴⁴

The government of Mexico had followed Santa María's negotiations with much interest. On August 27, 1826, the Mexican Congress issued a decree providing that commercial relations with Spain were to be permitted upon a basis of reciprocity.⁴⁵ In

⁴³ De Olivart, *Colección de los Tratados, Convenios, y Documentos Internacionales celebrados por Nuestros Gobiernos desde el Reinado de Doña Isabel II hasta Nuestros Días*, I. 110-112; *Tratados y Convenciones concluidos y ratificados por la República Mexicana*, I. 396-400.

⁴⁴ *Colección Legislativa de España*, XXI. 597, 598.

⁴⁵ Dublan y Lozano, *Legislación Mexicana ó Colección completa de las Disposiciones Legislativas expedidas desde la Independencia de la República*, III. 225.

February, 1837, Carlos Bustamante prematurely announced to Congress that Spain had acknowledged Mexico's independence, and declared that a grievous pretext for agitation had thus been removed. "I thank Heaven", he exclaimed, "because it has permitted me to see this grand day, and because providence has preserved me so that I might outlive this great event"⁴⁶ On April 28 Luis G. Cuevas, the minister of foreign relations, announced to Congress that he had received the treaty between Mexico and Spain: he called attention to the fact that the queen regent had recognized fully and without restrictions "the Mexican Republic as a free, sovereign, and independent nation", renouncing for herself, as well as for her successors, "all pretensions to the government, property, and territorial rights" of that republic.⁴⁷ As the Mexican Congress approved the treaty, on May 3, President Anastasio Bustamante announced that he had "ratified, accepted, and confirmed" it.⁴⁸ The treaty was formally approved by the queen regent of Spain on November 14, 1837,⁴⁹ ratifications being exchanged at Madrid on the same day, and the ratified treaty was published in Mexico City on March 4, 1838.⁵⁰ This was the first case in which the Spanish monarchy acknowledged the independence of a state that had been erected within the limits of her former colonial empire in the New World.

The recognition of Mexico was soon followed by measures on the part of other Spanish-American states which indicated their desire to foster commercial relations with Spain. On March 30, 1837, at the instance of the Congress of Venezuela, General Soublette—who was acting as the chief executive of that state—promulgated a decree declaring that Venezuela would admit Spain's merchant vessels into her ports.⁵¹ Further, on March 13, 1838, Soublette issued another decree providing that Spanish vessels which entered Venezuela's harbors should pay no higher

⁴⁶ Olavarria y Ferrari, *Méjico Independiente* (volume four in *Méjico a Través de los Siglos*), 389.

⁴⁷ Bocanegra, *Memorias*, II. 746.

⁴⁸ Dublan y Lozano, *Legislación Mexicana*, III. 464, 465.

⁴⁹ *Colección Legislativa de España*, XXIII. 328.

⁵⁰ Olavarria y Ferrari, *Méjico Independiente*, see note on p. 394.

⁵¹ *Recopilación de Leyes y Decretos de Venezuela*, I. 412.

dues than Venezuelan vessels.⁵² Those measures were soon imitated by New Granada and Ecuador, while Chile issued decrees of a less liberal character, admitting Spanish vessels into her ports for a limited period upon the same terms as neutral vessels.⁵³ The Spanish government responded to these South-American overtures with reciprocal decrees.⁵⁴ In the words of Goñi: "These decrees . . . had as their object to admit into Spanish and American ports, the merchant vessels of each nation, in certain cases with the privileges of neutral vessels, in other cases with the privileges of the most favored nations".⁵⁵ Thus the way was made smooth for the recognition of other Spanish-American nations by Spain.

As the treaties which Spain negotiated with other Spanish-American republics during the following years resembled the Spanish-Mexican treaty, they will be considered in less detail. On February 16, 1840, the Spanish secretary of state, Evaristo Perez de Castro y Colmera, and Pedro Gual, envoy plenipotentiary of Ecuador at the court of Spain, signed a "treaty of peace, amity, and recognition". The first article of the treaty declared that her Catholic Majesty under the authority of the decree of the Cortes, dated December 4, 1836, renounced forever on behalf of herself and her successors the sovereignty over the territory formerly known as the presidency of Quito. By article two her Catholic Majesty acknowledged Ecuador as "a free, sovereign, and independent nation". Article three concerning amnesty resembled article two of the Mexican treaty. Article four regarding private debts repeated the terms of the third article of the Mexican treaty. Article five provided that Ecuador should assume the debts incurred by Spain for the presidency of Quito until 1822. Article six provided that all properties of the citizens of either state that had been confiscated by the other state during the revolutionary war should be immediately and freely returned to their former owners, their heirs, or legitimate representatives. Article eight

⁵² *Ibid.*, 452.

⁵³ Goñi, *Tratado de las Relaciones Internacionales de España*, pp. 261-263; De Olivart, *Tratados de España*, III. 196, 197, 201.

⁵⁴ De Olivart, *Tratados de España*, III. 192-216.

⁵⁵ Goñi, *Tratado de las Relaciones Internacionales*, p. 210.

provided that indemnities should be paid for confiscated goods which had been sold or alienated. Article seventeen provided that the two contracting parties would soon conclude a treaty of commerce and navigation based upon the principle of reciprocal advantages.⁵⁶ The ratifications of this treaty were exchanged at Madrid on October 30, 1841.⁵⁷

A short time after the treaty was signed between Spain and Ecuador, Chile sent an envoy to Madrid who was directed to secure an explicit acknowledgment of Chilean independence,⁵⁸ but the treaty which he negotiated with the Spanish secretary of state did not receive the sanction of his government.⁵⁹ Eventually, on April 25, 1844, Luis Gonzalez Brabo, Spain's secretary of state, and General José Manuel Borgoña, the plenipotentiary of Chile, signed at Madrid "a treaty of recognition, peace, and perpetual amity". Thus, in accordance with the decree of the Cortes dated December 4, 1836, Queen Isabella acknowledged Chile as "a free, sovereign, and independent nation" and renounced her claims to Chilean territory. The provisions regarding the collection of private debts were the same as those in the Mexican treaty. With regard to the public debt, article four of this treaty stipulated that, as the Chilean republic by a law of November 17, 1835, had voluntarily assumed the debts contracted by the Spanish government in the captaincy-general of Chile, as well as the debts of the Chilean revolutionary governments, that law was to be considered as being embodied in the treaty.⁶⁰ The ratifications of this treaty were exchanged at Madrid on September 25, 1845.⁶¹

On March 30, 1845, there was signed at Madrid by Spain's secretary of state, Francisco Martínez de la Rosa and Alejo Fortique, Venezuela's minister plenipotentiary to Great Britain,

⁵⁶ De Olivart, *Tratados de España*, I. 143-150.

⁵⁷ *Colección Legislativa de España*, XXVII. 902.

⁵⁸ Barros Arana, *Un Decenio de la Historia de Chile*, I. 470-477.

⁵⁹ *Memoria del Ministro de Relaciones Esteriores presentada al Congreso Nacional en 1843*, p. 2.

⁶⁰ De Olivart, *Tratados de España*, I. 352-355; Bascuñán Montes, *Recopilación de Tratados de Chile*, I. 132-138.

⁶¹ *Colección Legislativa de España*, XXXV. 264; Bascuñán Montes, *Tratados de Chile*, I. 138, 139.

a "treaty of recognition, peace, and amity". In accordance with the decree of the Cortes of December 4, 1836, Queen Isabella, for herself and her heirs, renounced the sovereignty over the territory formerly included in the captaincy-general of Venezuela. She acknowledged the republic of Venezuela as a "free, sovereign, and independent nation". The article concerning private debts repeated the terms of the Mexican treaty. Article five stipulated that Venezuela should assume as a national obligation the legitimate debt which Spain had incurred within the former captaincy-general. Confiscated properties belonging to the citizens of either contracting party were to be returned to their owners or heirs. Article fifteen provided that the contracting parties would soon negotiate a treaty of commerce. The ratifications of this treaty were exchanged at Madrid on June 22, 1846.⁶²

On July 21, 1847, Joaquín Francisco Pacheco, Spain's secretary of state, and José María Linares, envoy of Bolivia, signed a treaty of "recognition, peace, and amity." By that treaty Queen Isabella II., in accordance with the decree of the Cortes, dated December 4, 1836, solemnly renounced for herself and her successors the sovereignty over the region formerly known as upper Peru. She acknowledged Bolivia as a "free, sovereign, and independent nation". Article four repeated the provision concerning private debts that first appeared in the Mexican treaty. As Bolivia had, by a law of November 11, 1844, voluntarily assumed the debts which Spain had incurred in upper Peru before the battle of Ayacucho, article five of the treaty stipulated that this law should be considered as an integral part of the treaty. Provisions were also made for the return of the properties of citizens or subjects of one of the contracting parties which had been confiscated by the other party. It was agreed that the two nations would soon proceed to conclude a treaty of commerce and navigation based upon the principle of reciprocal advantages.⁶³ The ratifications of this treaty were exchanged at Madrid on February 12, 1861.⁶⁴

⁶² De Olivart, *Tratados de España*, I. 368-372; *Colección de Tratados Públicos de Venezuela*, pp. 107-111; *Recopilación de Leyes y Decretos de Venezuela*. II. 296.

⁶³ De Olivart, *Tratados de España*, IV. 188-193.

⁶⁴ *Colección Legislativa de España*, LXXXV. 643.

Early in 1857, Juan Bautista Alberdi, the political philosopher who was acting as envoy extraordinary and minister plenipotentiary of the Argentine Confederation to the courts of London and Paris, initiated negotiations for the acknowledgment of Argentine independence by Spain.⁶⁵ On July 9, 1858, Alberdi and Saturino Calderón Collantes, Spain's secretary of state, signed at Madrid a treaty of "recognition, peace, and amity". In accordance with the decree of the Cortes dated December 4, 1836, Queen Isabella acknowledged the Argentine Confederation as a "free, sovereign, and independent nation", and renounced, for herself and her successors, the sovereignty over the territory of that confederation. In this convention the terms of the Mexican treaty concerning private debts were again repeated. Article four provided that the Argentine Confederation should assume as a consolidated debt of the state the obligations which the Spanish government had contracted within her territories before the creation of the provisional junta of May 25, 1810. Confiscated properties were to be restored to their owners, or their heirs. It was provided that until the contracting parties concluded a commercial treaty, each would reciprocally treat the subjects or citizens of the other party on the basis of citizens of the most favored nation. Article seven of the treaty provided that the nationality of the children of Spaniards and of Argentine citizens born in the respective territories of the other party should be determined according to the Spanish constitution and the law of Argentina.⁶⁶ The ratifications of this treaty were exchanged at Madrid on June 27, 1860.⁶⁷ After the defeat of the soldiers of Urquiza by General Mitre at the battle of Pavón, like other diplomatic agents of the government which had been seated at Paraná, Alberdi was deprived of his post. The government of the Argentine Republic—which had its capital at Buenos Aires—looked with disfavor upon article seven of Alberdi's treaty, which virtually provided that children of Spaniards born in Argentina

⁶⁵ Alberdi, *Obras Completas*, VI. 85.

⁶⁶ De Olivart, *Tratados de España*, IV. 90-94.

⁶⁷ Colección Legislativa de España, LXXXIII. 617; Cf. *Registro Oficial de la República Argentina*, IV. 269-271.

should be Spanish citizens,⁶⁸ and in September, 1863, its agent negotiated a similar treaty in which the objectionable clause concerning citizenship was modified.⁶⁹

As early as 1853 a treaty of recognition was negotiated at Madrid by an envoy of Peru, but the Peruvian government objected to certain articles of that treaty and declined to sanction it.⁷⁰ Subsequently differences between Peru and Spain because of the claims of Spanish subjects for indemnities for injuries suffered by them during the war for independence led to the seizure of the Chincha Islands by Spain. The hostilities between Spain and Peru which resulted from this action were temporarily terminated by a treaty which was signed at Callao on January 27, 1865, by the Spanish admiral, José Manuel Pareja, and General Manuel Ignacio de Vivanco. The Vivanco-Pareja treaty, which was styled "a preliminary treaty of peace and friendship", was a virtual acknowledgment by Spain of the independence of Peru; for the ratifications were exchanged at Madrid on April 23, 1865. The treaty provided that Peru should commission a minister to the court of Madrid who would be authorized to negotiate a treaty of "peace, amity, navigation, and commerce", similar to the treaties negotiated between Spain and other American republics. It also stipulated that the proposed commercial treaty would establish the bases for the indemnification of Spain's subjects who had been financially injured during the wars for independence.⁷¹

Several years after the ratification of the Spanish-Peruvian treaty, Colombia, Paraguay, and Uruguay negotiated treaties with Spain. After a treaty had failed of ratification by Colombia because of a clause which granted to Spain the privileges conceded

⁶⁸ Alberdi: *Obras Completas*, VI. 110-115; *Archivo del General Mitre*, XIII. 53, 54.

⁶⁹ *Registro Oficial de la República Argentina*, V. 96-98. See further Alberdi's defense in *Obras Completas*, VI. 219-266, entitled "La Diplomacia de Buenos Aires y los Intereses Americanos y Europeos en el Plata."

⁷⁰ *Memoria que presenta el Ministro de Estado en el Departamento de Relaciones Exteriores y Culto al Congreso nacional, de 1862*, pp. 7-13. The project of the treaty is found in *ibid.* "Documentos sobre los asuntos de España" (unpaged).

⁷¹ De Olivart, *Tratados de España*, V. 167-169; *Colección Legislativa de España*, XCIII. 357.

to the most favored nation in regard to an interoceanic transit,⁷² on January 30, 1881, the ambassador of King Alfonso XII. of Spain at Paris and the envoy extraordinary and minister plenipotentiary of Colombia at that capital signed a treaty of "peace and amity". Unlike many of the treaties which had been negotiated with other South-American states, this treaty contained no provision concerning the assumption of Spanish debts. However, it contained a provision that the citizens of each contracting party should reciprocally enjoy in the dominions of the other party all the privileges of citizens of the most favored nation.⁷³ The ratifications of this treaty were exchanged on August 12, 1881.⁷⁴ On September 10, 1880, the chargé d'affaires of Alfonso XII. in Argentina and the chargé d'affaires of Paraguay at Buenos Aires signed a treaty of "peace and amity" between Spain and Paraguay, which resembled the treaty between Spain and Colombia.⁷⁵ The ratifications of the Paraguayan treaty were exchanged on April 8, 1882.⁷⁶ Although commercial relations were soon established between Spain and Uruguay, and although a treaty was negotiated between these two nations in 1841,⁷⁷ yet it was not until October 9, 1882, that the ratifications of a definitive treaty of "peace and recognition" were exchanged.⁷⁸

As the federation of Central America—which was formed shortly after the dissolution of the Mexican empire—had broken into five fragments, Spain recognized the independence of the Central American states by several treaties which ordinarily contained stipulations concerning debts and commerce resembling those in treaties with the South-American republics. The independence of Costa Rica was acknowledged by Spain in a treaty of "recognition, peace, and amity" which was signed at Madrid on May 10,

⁷² Uribe, *Anales Diplomáticos y Consulares de Colombia*, IV. 81, 82.

⁷³ De Olivart, *Tratados de España*, VIII. 147, 148; Cadena, *Colección de Tratados Públicos de los Estados Unidos de Colombia*, I. 159, 160.

⁷⁴ *Colección Legislativa de España*, CXXVIII. 103.

⁷⁵ De Olivart, *Tratados de España*, VIII. 127, 128.

⁷⁶ *Colección Legislativa de España*, CXXVIII. 571.

⁷⁷ De Olivart, *Tratados de España*, III. 193, 194; Goñi, *Tratado de las Relaciones Internacionales*, p. 262.

⁷⁸ De Olivart, *Tratados de España*, VIII. 253-260; *Colección Legislativa de España*, CXXIX. 1116.

1859:⁷⁹ the ratifications of that treaty were exchanged on December 21 following.⁸⁰ The independence of Nicaragua was acknowledged by Spain in a treaty of "peace and recognition" signed at Madrid on July 25, 1850.⁸¹ The ratifications of the Spanish-Nicaraguan treaty were exchanged on July 24, 1851.⁸² The independence of El Salvador was acknowledged by Spain in a treaty of "recognition" signed at Madrid on June 24, 1865;⁸³ the ratifications of that treaty were exchanged on June 15, 1866.⁸⁴ The independence of Guatemala was acknowledged by Spain in a treaty of recognition signed at Madrid, May 29, 1863.⁸⁵ The ratifications of the Spanish-Guatemalan treaty were exchanged on June 20, 1864.⁸⁶ The independence of Honduras was acknowledged by Spain in a treaty of "peace and amity" signed at Guatemala City on November 17, 1894;⁸⁷ the ratifications of that treaty were exchanged on August 28, 1895.⁸⁸

It is clear that Spain was loath to admit that she had irretrievably lost her magnificent colonial empire upon the American continent. The absolute king was not inclined to yield to the influence of the government of the United States which advocated an acknowledgment of the independence of the new American nations. Not until the age of Isabella II. did Spain decide to relinquish the titular sovereignty over Spanish America. At this juncture there returned to power a number of liberal statesmen—as Martínez de la Rosa, Canga Argüelles, and Joaquín de Ferrer—who had considered the acknowledgment of the independence of the Spanish-American states more than a decade earlier. When the statesmen of Spain reluctantly took the decision to recognize the Spanish colonies, they were influenced by commercial motives, by the fact that other important nations had

⁷⁹ De Olivart, *Tratados de España*, II. 34–39.

⁸⁰ *Colección Legislativa de España*, LI. 405.

⁸¹ De Olivart, *Tratados de España*, II. 46–51.

⁸² *Colección Legislativa de España*, LIII. 493.

⁸³ De Olivart, *Tratados de España*, V. 215–219.

⁸⁴ *Colección Legislativa de España*, XCV. 670.

⁸⁵ De Olivart, *Tratados de España* V. 22–26.

⁸⁶ *Colección Legislativa de España*, XCI. 860.

⁸⁷ De Olivart, *Tratados de España*, XI. 155–157.

⁸⁸ *Ibid.*, 155.

acknowledged the independence of these colonies, and by the conviction that they should cultivate friendly relations with the Spanish-American nations. By fifteen treaties negotiated from 1836 to 1895 Spain recognized the independence of her former colonies upon the American continent. By the exchange of ratifications with Guatemala the Spanish government finally concluded the series of negotiations which was authorized by the significant decree of the Cortes, dated December 4, 1836. What Nevares had designated as *de jure* recognition was thus at length consummated. Aside from the stipulation contained in the majority of these Hispanic treaties concerning the collection of private and public debts, perhaps their most significant features were those which indicated the desire of the contracting parties to foster their commercial intercourse and to consider themselves as related by ties of kinship. The tardy recognition of the Spanish-American states by the motherland was indeed a harbinger of that Hispanic movement which aims to link closer and closer together the nations of both hemispheres which use the language of Cervantes.

WILLIAM SPENCE ROBERTSON.

BOOK REVIEWS

California: the Name. By RUTH PUTNAM with the collaboration of Herbert I. Priestley, Ph.D., Assistant Professor of History, University of California. [University of California Publications in History, Vol. 4, No. 4, pp. 293-365, December 19, 1917.] (Berkeley: University of California Press, 1917. Map. \$0.75, paper.)

In this small monograph, Miss Putnam, who has so justly won many laurels for her investigations in, and writings on, Dutch historical subjects, essays a very successful entrance into quite another field of history—Spanish discovery in the New World. For, although the theme centers around the name “California”, in the treatment of her subject, Miss Putnam, perforce, makes abundant use of the old Spanish accounts of discovery. The monograph represents the latest proof of the ever-recurring interest that attaches to the name “California”, and in its richness of citation and critical comment is the best treatment of the subject that has yet appeared, being indeed an addition to the history of the southwestern region of North America. Had it been possible to reproduce Miss Putnam’s maps, of which she had collected many showing the cartographical evolution of California (in which special attention was given to the name) and the notes which had been written to accompany them, the monograph would also have been a valuable addition to the cartography of the Pacific slope. This omission is much to be regretted, for the maps are of very great interest, and tell a story that it is difficult to reproduce in words alone. Along with the advance shown by the maps, are the mistakes and misconceptions, as well as the slavish following of one cartographer by another, so that errors tended to perpetuate themselves. One of the most curious of these maps is the western part of Jode’s world map (*ca.*, 1593), “Hemispheriū ab aequinoctiali linea, ad circvlū poli” which is to be found in the rare Jode *Atlas Specvlum Orbis Terrae* (Antwerp). It shows the strange phenomenon of a peninsula at the extreme northern part of the continent just above “Conibas Lac” (apparently the forerunner of the later Hudson’s Bay) called “Californiā”, while the California Peninsula proper figures under the name “Califermia”. In many of the seventeenth century and even eighteenth century maps, California is depicted as an island. On

many maps, also, occurs Drake's name of "Nova Albion" which was given to a portion of the western coast. On some, the name "California" is restricted to the cape at the southern extremity of Lower California, the present Cape San Lucas. This is the case with the single map presented, a section of the chart of Diego Gutierrez of 1562, the first known map on which the name "California" appears. It is understood that Miss Putnam has deposited a copy of her maps and notes in the Bancroft Library of the University of California.

Miss Putnam's researches regarding the name "California" have led her in many directions. She accepts, and it is difficult to imagine how one could do otherwise, the conclusion of Edward Everett Hale and George Davidson, namely, that the name first appeared in Montalvo's *Las sergas de Esplandian*, the so-called fifth part of the famous romance *Amadis de Gaula*, which was so popular during the years preceding and following the discovery and early settlement of America. Montalvo's addition, appearing probably near the year 1500, although of little literary interest, has a certain value from the standpoint of American history, for it is here that the name "California" is found as the designation of an island ruled over by a beautiful, black Amazon queen, Calafia. Both Hale and Davidson are cited in support of the derivation of the name, but justice has not been done George Ticknor, who a dozen years before Hale, in the first edition of his *History of Spanish Literature* (Boston, 1849), p. 232, says in speaking of *Las sergas de Esplandian*: "But all reference to real history or real geography was apparently thought inappropriate, as may be inferred from the circumstances that a certain Calafria [sic], queen of the island of California, is made a formidable enemy of Christendom through a large part of the story". It is quite probable that Ticknor by this citation first aroused Hale's curiosity in regard to the word, although Ticknor himself does not seem to have had any interest in the matter from the historical standpoint. Following the name as used by early writers and with a wealth of citation and critical comment, Miss Putnam comes to the conclusion (p. 353) that "Cortés never used the word, nor did any one in his service". The first appearance of the word, so far as known, in a Spanish document, is found (1542) in the journal of Cabrillo's voyage (p. 349). Miss Putnam thinks that the name might have been applied in jest "because the island of Calafia was taken as synonymous with an Amazon realm" (p. 349), although she does not commit herself definitely to such a belief. It is quite within the bounds of possibility, however, that this was the case, and that the name of the great state of California arose

through a merry quip. Together with early references to the name, and the records of early explorers, who journeyed in or near the California region, the amazon myth is followed in so far as it related to the New World, being made, in fact an integral part of the story because of Montalvo's addition to the *Amadis de Gaula*. There is an interesting appendix on the "Etymology of the word 'California'", in which the ingenious attempts that have been made to account for the name are cited; and another appendix on "The romance of Amadis de Gaula and its sequels", which is useful from the bibliographical side. The reasoning throughout the book is sound, and the story is written in no partial vein, and is well told, though some criticism may be made, perhaps, as to the space allotted to the amazon myth. On p. 295, the year "1651" is of course a proof error for "1561", and on p. 349, "Guitierrez", for "Gutierrez". The word "work" at the beginning of line 16, page 313, should be "word". On page 364, line 3, the Roman figure "VI" should read "VII". It should be noted that no one previously has pointed out that Calafia reappears in Book VII., *Lisuarte de Grecia y Perion de Gaula*, the authorship of which appears to be unknown. The mechanical appearance of the monograph is a credit to the press whence it emanated. It is hoped that Miss Putnam's maps, which as above intimated have a deep significance for the history of the western coast of the United States, may some day be published.

JAMES ALEXANDER ROBERTSON.

Latin America and the United States. Addresses by Honorable Elihu Root, collected and edited by Robert Bacon and James Brown Scott. (Cambridge, Mass., Harvard University Press, 1917. \$2.50.)

The American people, using that term in the widest sense, have long believed that Mr. Root's utterances are worth while. He combines lofty ideals with wide political experience and personal magnetism and clothes his thoughts in fervid, convincing rhetoric. Therefore, it is well that the Harvard Press should add another volume, dealing with Hispanic America, to those that contain his most important public addresses. As an interpreter of the new spirit of Pan Americanism his words will influence a wide circle of readers, many of them, it is to be hoped, beyond the borders of the United States, and enable them to appreciate more clearly the importance of his message. The names of his editors—Robert Bacon and James Brown Scott—furnish sufficient guaranty of the volume's official character, and of the care with which it was prepared for the press.

The term "Pan Americanism" stands for a varying policy. Jefferson and his contemporaries once appealed to it as a foil to British commercialism and to Napoleon's dream of a world empire. John Quincy Adams once assumed that the development of the United States represented all that was worthy in the term, and in that spirit deferred diplomatic recognition of our southern neighbors and persuaded Monroe to issue his celebrated message of 1823. Polk and his immediate successors confounded the word with "manifest destiny", while Hayes, Blaine, and Cleveland, committed the same error with respect to "paramount interests". McKinley, Roosevelt, and Hay, by act, if not by word, gave their opponents a chance to confuse it with "imperialism". This was the condition when, in 1906, the last-named executive sent Mr. Root, then secretary of state, to attend the Third International Conference of American Republics at Rio de Janeiro. The present volume, therefore, appropriately opens with his address as honorary president at one of the sessions of that conference.

It is not too much to say that his utterance on that occasion marks a new phase in Pan Americanism. Although often quoted during the years that have elapsed since that famous meeting, one may be permitted to refer to it again. He asserts that the United States desires no further acquisitions of territory at the expense of its neighbors and that it will respect the rights and dignity of all, even the weakest and smallest, and help all "to a common prosperity and a common growth that we may all become greater and stronger together". This utterance within less than three years after the establishment of the Republic of Panama was significant. Mr. Root bore no direct responsibility in that affair, although he had publicly defended it in his country, so he could utter this noble sentiment with good grace. Furthermore, he could exchange compliments at Cartagena with the Colombian minister of foreign affairs, a courtesy that was pointedly withheld from his successor, who was more prominently identified with "dollar diplomacy".

In addition to addresses connected with his South American visit, the volume contains those of his scarcely less notable trip to Mexico in the autumn of 1907, and in addition, some miscellaneous speeches while secretary of state. In these last-named addresses, he tried to interpret to his fellow-countrymen the conclusions derived from his South American journey. With the aid of Mexico he tried to extend among the Central American Republics the new American benison of peace and prosperity. This was in keeping with the policy he enunciated—that his government would always hold "the smallest state . . . upon an

island in the Caribbean, or any where in Central and South America, as our equal in dignity, in the right to respect and in the right to the treatment of an equal". It must be confessed that the government of the United States has not always acted in conformity to this high principle, not even in connection with the Central American court of justice that he was instrumental in starting, with the help of the Mexican representative at Washington. But Mr. Root was not responsible for those derelictions as was shown by his most recent utterance on this subject at the Second Pan American Scientific Congress. For this reason, his editors and publishers have done well to put his message into the permanent form afforded by the present work. It enables us to grasp more fully the salient points of the message and to trace from it many of those principles that President Wilson now seeks to employ in our Pan American diplomacy.

ISAAC JOSLIN COX.

Official letter books of W. C. C. Claiborne 1801-1816. Edited by Dunbar Rowland. (Jackson, Mississippi, State Department of Archives and History, 1917. 6 vols.)

The lower Mississippi Valley and the contiguous Floridas and Texas, afforded, a century and more ago, a series of meeting places, where Anglo-American and Spanish-American largely determined the question of hegemony on the American continent. This is not the place to discuss this memorable conflict, diplomatic rather than military in character, nor to determine the causes that marked its inception and continuance. The end of this struggle, as recent events have shown, is far removed, nor is either of the chief contestants in a position to assume that its position therein has been wholly right. Our present purpose is merely to connect the present publication with this conflict and to indicate in some measure what it contributes to a fuller understanding of it. For this reason we shall also omit the discussion of certain technical points which have already been discussed elsewhere.

The city of New Orleans is the strategic key to the whole region under discussion. Thither, after two years of apprenticeship at nearby Natchez, came William Charles Coles Claiborne, to act as temporary governor of the newly-acquired Louisiana Purchase. Because of untoward happenings, rather than because of his own ability, Claiborne continued at New Orleans, first as governor by presidential appointment of that portion of the purchase known as the Territory of Orleans, and later as governor by local suffrage of the succeeding state of Louisiana. Thus his career as executive in a triple capacity extended over the middle

period of the conflict noted above and embraced the most significant portions of the territory involved. His correspondence, therefore, will naturally contribute to a better understanding of that conflict.

In his preparatory work, as executive of Mississippi Territory, Claiborne encountered many of those problems that marked his administration at New Orleans. From the very first his relations with the Indians caused him much anxiety. His functions as governor often conflicted with those of the Indian agent. As a result neither official was able to perform his full duty towards the Indians themselves, nor to carry out in full measure with the Spaniards their mutual obligation to restrain these savages and keep them within their respective national limits. Nor did it lighten his task to learn that the neighboring Spanish executives often found themselves in a similar predicament. The red men caused perpetual worry to both sets of administrators, until Jackson's drastic measures broke their power and forced the Spaniards to cede to the United States their holdings east of the Mississippi.

The navigation of that river and later the navigation of the Mobile afforded other causes of dispute between the rival executives. The letters contain much material for the study of these commercial controversies, which continued on each stream up to the moment when its banks passed under the control of the prevailing power. The correspondence shows that Claiborne did not hesitate to insist upon the utmost pretensions of his government, nor did his superiors, in note, message, or discussion, fail to press these border controversies to their political advantage at home and abroad. Nevertheless, neither subordinate nor superior was able to suggest any feasible permanent solution of the mooted commercial questions, save that of completely absorbing the territory through which the rivers flowed.

As little success marked Claiborne's efforts to establish a *modus vivendi* with the Spaniards, in respect to fugitive criminals, deserters, or escaping slaves. Nor could he restrain that unquiet element among the American frontiersmen that regarded Spanish territory as a legitimate field for prospecting, Spanish products as worthy incentives for clandestine trade, and Spanish officials as men to be openly defied or merely avoided according to the whim of the moment. Claiborne's difficulties of this sort increased after he came to New Orleans, for the varied population of that city, during many years to come, openly despised him, or else accorded to him only that grudging obedience that his continuance in office inspired. He could not speak their language or appreciate their point of view. His letters, especially at first, are filled with expressions of distrust, based on conjecture rather than informa-

tion. This distrust does not wholly disappear, even when he connects himself by marriage with one of the leading families in the territory. Like distrust marked his reports of military movements among the Spaniards. Jefferson and Madison frequently had to set him right in both respects, but, perforce, they had to continue him in office, for they had no better agent in view.

A serious group of problems centered in the region between the Red and Sabine rivers, especially in 1806. The difficulties presented by two Spanish advances beyond the Sabine, the second in considerable force, were increased by the halting of an American exploring expedition bound up the Red River, and the arrest of Pike and his companions on the upper Rio Grande. Between these two events, the famous Burr Conspiracy came to a head, and Claiborne was forced to acquiesce in the high-handed measures which General Wilkinson thereupon used in posing as the savior of his country. He had been closely, rather than intimately, associated with the general in the transfer of Louisiana, and he continued this association on at least two subsequent occasions. Their common action would arouse suspicion, did not such association mark Wilkinson's relations with those who were much more conspicuous than Claiborne. If the territorial governor was the dupe of the general, so was the president, and with much less excuse.

A cursory reading of some letters written by Claiborne in 1808 and 1809, show a marked interest in the future status of the neighboring Spanish colonies. Without other evidence, one might give Claiborne, as the editor does, undue credit for an early phase of Pan Americanism. But a perusal of contemporary statements by Jefferson and Wilkinson, will show that they, and not the youthful governor, first uttered the statements that Claiborne echoed. It is true that the latter closely follows instructions in sounding his neighbors regarding their future status and in assuring them that the American government would befriend them, should they elect to join with it in an effort to shut European influence out of the Western Hemisphere. But this faithfulness in repeating Jefferson's views does not prevent him from advising revolt in West Florida, or lead him later to enforce, with sufficient care, our neutrality laws against prospective filibustering expeditions into Texas. Nor does he anticipate, from the reports of revolt in the provinces of New Spain that the people there will be able to establish for themselves a stable government. He did not need the gift of prophecy to reach this conclusion, but his predictions came little nearer the real outcome than those he had earlier uttered concerning the people of Louisiana and their possible behavior, when threatened by foreign

invasion. In neither case did he do aught to bring about the result he feared. He would not hinder what he could not clearly understand, and he worked, albeit with blind purpose, to meet the successive details of the problems that the president thrust upon him. Persistence, if not profundity, coupled with good fortune, crown his efforts with reasonable success.

Thus we may summarize some of the points suggested by the present publication. If the editor has not succeeded in making a heroic figure of Claiborne, he has given us much additional historical material of value to illustrate an important period in Inter-American relations. For this historical students will feel duly grateful.

ISAAC JOSLIN COX.

With the First City Troop on the Mexican border, being the diary of a trooper. By GEORGE BROOKE, 3D. (Philadelphia: The John C. Winston Co., 1917. Pp. 166. Illustrated.)

Watching and waiting on the border. By ROGER BATCHELDER. With an introduction by E. Alexander Powell. (Boston: Houghton Mifflin Company, 1917. Pp. xxvi, (2), 221. Illustrated.)

Both the above volumes are among the earlier published accounts of the late American border experiences. The first is an intimate account of the personal activities and interests of a trooper of First Troop, Philadelphia, First Pennsylvania Cavalry, in the period of its Mexican border service, from July 6, 1916, to January 14, 1917. The book is of chief interest to the members of the unit concerned, and will serve as a treasured memento of that period of unwelcome service loyally and efficiently rendered. The copious illustrations add to this feature. To the outsider, the book appears as a well written account of a dull experience, fittingly modest in the telling.

The second work has a wider interest, outlook, and purpose than the first. The author was a private in the Eighth Massachusetts Regiment, National Guard. Largely personal in its narrative, the book argues from the lessons of inefficiency which were learned on the border, that compulsory military service is absolutely essential. So much has happened in the military world since the book was written, that its appeal may be said to be unheeded, through having been largely answered. The book is well printed and illustrated. The usage of author's photographs as frontispieces is, in the opinion of this critic, not in the best of taste.

H. I. P.

NOTES AND COMMENT

It is a pleasure to announce that Mr. C. K. Jones, of the Library of Congress, who has had more experience than most men in the United States with the bibliography of Hispanic America, will prepare notes of a bibliographical character for **THE HISPANIC AMERICAN HISTORICAL REVIEW** and from time to time prepare bibliographical lists on various subjects. With great generosity, Mr. Jones offers to assist collaborators in the work of this **REVIEW** by replying to inquiries that may be more easily answered from the material available in Washington.

One of the conferences at the recent meeting of the American Historical Association, held at Philadelphia in December, of 1917, was devoted to the history of Hispanic America. Papers were presented by Charles W. Hackett, of the University of California, on "The delimitation of political jurisdictions in Spanish North America to 1535"; Charles H. Cunningham, of the University of Texas, on "The institutional background of Latin-American history"; William R. Manning, of the University of Texas, on "An early diplomatic controversy between the United States and Brazil"; Percy A. Martin, of Leland Stanford Jr. University, on "The influence of the United States on the opening of the Amazon to the world's commerce"; and Reginald Orcutt, Washington, D. C., on "A review of colonization in Brazil with especial reference to the German migration, 1827-1914". Of these papers, the first two appear in this issue of the **REVIEW**. The third will appear in the second issue.

The many new transcripts of documents which have been made for the Library of Congress, the Ayer Collection of Newberry Library, the Universities of California and Texas, and other institutions, from originals in Spanish archives, during the last several years, and the Carnegie Institution photographs, have brought in an immense lot of new source material for the history of the United States. These transcripts help one to understand a remark credited to Professor Bolton of Berkeley, namely, that more manuscript material exists for the study of Spanish activities in territory now a part of the United States than for the study of the English colonies. A new companion guide to that

compiled some years ago by James Alexander Robertson for Carnegie Institution is needed, in order to make these documents more generally available. There should also be guides to the original documents in the Library of Congress which once formed a part of the old Spanish archives of East Florida and New Mexico, as well as to the original documents in Harvard, Texas, California, and other institutions. Professor Bolton also has a private transcript collection of 60,000 sheets gathered from the archives in Mexico. These, as well as the documents of the Bancroft Collection, are being used by the students in the University of California.

On February 26 the Department of State telegraphed the American Ambassador in Buenos Aires to the following effect:

"The first American Diplomatic Mission, consisting of Rodney, Graham and Bland, arrived at Buenos Aires on February 28, 1818, and was received by Juan Martin de Pueyrredon, the Chief Magistrate. They informed the Chief Magistrate that a large part of the population of the United States was favorably disposed toward the cause of the patriots in South America; and that it was the feeling of the Government as well, that the patriots should be treated with the justice, dignity and favor which they deserved.

"The great uncle of the present Minister for Foreign Affairs was the Chief Magistrate at that time.

"Bring this matter to the notice of the Minister for Foreign Affairs and congratulate him upon the friendly relations of a century which have existed between the Argentine and the United States".

A few days later a telegram was received by the Department of State from the American Ambassador in Buenos Aires, stating that he had received a very cordial note from the Argentine Minister for Foreign Affairs, predicting "that the happy relations between the two countries will continue for all time", and making grateful responses for the President in behalf of the people of the Argentine.

Dr. E. L. Stevenson, cartographer of the Hispanic Society, who is at present enjoying a year's leave of absence from his post, has just returned from a visit to the Pacific coast, where he delivered a series of very successful lectures, at the University of California and at other institutions, on the early cartography of America. Most of Dr. Stevenson's time is being devoted to a work on early globes, which is to be issued by the Hispanic Society. He has also various other cartographical works in contemplation.

Dr. Herbert E. Bolton, of the University of California, was elected a member of the Council of the American Historical Association, at the recent meeting of the Association at Philadelphia. Dr. Bolton has completed the manuscript for one of the Johnson series, "The Chronicles of America", namely, *Spanish border lands*; and also has a two volume work on Father Eusebius Kino and his writings in press with the Arthur H. Clark Company of Cleveland, Ohio.

Dr. Isaac J. Cox, of the historical faculty of the University of Cincinnati, has been granted leave of absence for some months in order to assist in the work of the Doheny Research Foundation. Dr. Cox had a part in the preparation of the "Report on Mexican education" which was made by a committee under the leadership of President Dabney of the University of Cincinnati. Work by that committee has been suspended until the war is ended. Dr. Cox's volume on the West Florida controversy, based on lectures given under the Shaw Foundation, will soon appear from the Johns Hopkins Press.

Dr. Julius Klein, of the historical faculty of Harvard University, has been granted leave of absence from his university work in order to take up duties as chief of the Latin-American Division of the Bureau of Foreign and Domestic Commerce. The Division is issuing an interesting weekly circular touching Hispanic American affairs.

Dr. William R. Manning, of the University of Texas, has been granted leave of absence from the university, in order to make a study of the diplomatic correspondence of Hispanic-American countries for the Carnegie Peace Foundation. His place is being supplied by Dr. Charles H. Cunningham, who has lately returned from Spain where he was engaged in making investigations in the government archives. While in Spain, the latter gathered many important transcripts of Spanish documents concerning former Spanish territory now a part of continental United States for the Library of Congress, the Ayer Collection of Newberry Library (Chicago), and the University of California. Dr. W. E. Dunn, also of the University of Texas, whose doctoral thesis recently appeared from the press, is undertaking special research work in Mexico. He also has enriched the Spanish transcripts in the United States.

Dr. William Spence Robertson, of the University of Illinois, has resumed his duties at the University after a very profitable year spent

mainly in South America. Dr. Robertson has a volume in press with D. Appleton.

Dr. Charles L. Chandler, of the Southern Railway, and of Harvard University, has recently returned from a business trip to South America. While in Montevideo, he copied various important historical documents from the originals in the national archives; and while in Buenos Aires, he read a paper before a learned gathering on the "Commercial relations between the United States and Argentina." Dr. Chandler has been elected a corresponding member of the Assembly in Buenos Aires. A revised edition of his very useful book, *Inter-American Acquaintances* (first published in 1915) has recently been published.

Dr. (now Major) Hiram Bingham, one of the members of the Committee on Organization of this Review, was forced to resign from the committee because of his duties in the Aviation Corps, of which he is one of the instructors. His duties have lately taken him to France.

Dr. Herbert I. Priestley, of the historical faculty of the University of California, and assistant curator of the Bancroft Library, has been granted leave of absence for a few months in order to lend bibliographical aid to the Doheny Research Foundation. Dr. Priestley expects to give a course on the history of Mexico during the next university year.

Dr. Roscoe R. Hill, whose volume *Descriptive catalogue of the documents relating to the history of the United States in the Papeles procedentes de Cuba deposited in the Archivo General de Indias at Seville* was issued by the Carnegie Institution of Washington in 1916, recently resigned his position in the University of New Mexico, in order to become the president of the Spanish American normal school in the same state which is devoted especially to the training of Spanish teachers. The documents photographed in Seville under direction of Dr. Hill, of which ten sets were made, have considerably enriched the materials available in this country for a study of Spanish activities in territory now a part of continental United States.

Dr. W. W. Pierson, of the University of North Carolina, recently issued a revised edition of his syllabus of Hispanic American history.

Professor Channing, of Harvard University, did considerable work in the Bancroft Collection at Berkeley in connection with the forthcoming

volume of his *History*. It is no longer an unusual event for professors from the east to visit the Pacific slope in search of documentary material.

Dr. Arthur N. Young, of the political economy faculty of Princeton University, who was attached to the Doheny Research Foundation, has just accepted a commission from the Mexican government to make a thorough study of the question of taxation in Mexico. Dr. Young expects to go to the City of Mexico in the near future.

Dr. W. F. McCaleb, who has recently completed the manuscript for one of the volumes of Dr. Allen Johnson's series, "The Chronicles of America", is in Washington, assisting the Doheny Research Foundation. The title of his book is to be *Texas and the Mexican War*.

The first two volumes of Roger Merriman's *The rise of the Spanish empire in the old world and in the new* will be ready for publication by The Macmillan Company in May. These two volumes are those dealing with the Middle Ages and the Catholic Kings.

The same company will also publish shortly a text-book on the history of Spain by Dr. Charles E. Chapman, of the University of California.

Field workers of the Doheny Research Foundation, which is engaged in a study of Mexico, have been appointed Research Associates of the University of California.

A new work by Dr. Manuel Gamio, Director of the Institución de Arqueología y Etnología Americana and Professor in the Academia de Bellas Artes de Mexico, entitled *Forjando Patria*, has lately appeared.

Dr. Ezequiel A. Chávez, who contributed the chapter on Education in *Méjico; su evolución social*, is once more in the City of Mexico, where he is teaching classes on the history of law, in the University of Mexico, and where he is also head of the Department of History and Geography in the National Preparatory School.

Dr. Salvador Massip, who has an extensive knowledge of the bibliography of Cuba, is doing work in the Department of Geography and History of the Instituto de Matanzas, in Matanzas, Cuba.

Sr. José León Suárez, professor of international law in Buenos Aires, is publishing various papers on the life of John Murray Forbes, who was the first trained United States diplomat to South America. Forbes

served under six administrations in Buenos Aires, Argentina (1820-1831, the year of his death). From 1824 to 1831, he was the chargé d'affaires for the United States, and had more to do almost than any other one man in promoting and preserving the influence of the United States in Argentina. Suarez says that the first application of the Monroe Doctrine was brought about by him, in preventing the employment of German and Austrian mercenaries by Pedro of Brazil.

BIBLIOGRAPHICAL SECTION

DOS OBRAS DE VIAJEROS NORTE-AMERICANOS TRADUCIDAS AL CASTELLANO

Los libros de viajes de norte-americanos que, más o menos generalmente, tratan de Chile no escasean, en verdad, en los tiempos que corren. El mérito que revisten, cualquiera que él sea, y que *ipso facto* puede aquilatarse por la preparación literaria de sus autores, por el conjunto de observaciones que contengan, por las miras que se hayan tenido en vista al escribirlos y por el conocimiento del castellano, base indispensable como condición de acierto para compenetrarse de las costumbres y modo de ser del pueblo que pretenden dar a conocer; son todos factores que contribuyen por mucho al mérito de esas obras, sin que, en el fondo,—a mi entender, al menos,—signifiquen otra cosa que la satisfacción de una vanidad personal, muy legítima, sin duda. Algún servicio, sin embargo, están destinados a prestar a nosotros los chilenos esos libros, aunque más no sea con las impresiones fugitivas de lo que vieron u observaron sus autores para darnos a conocer, así en simples rasgos, en esa gran nación, y alguno también para ella, siquiera como campo para el turismo que busca rincones apartados, y, acaso acaso, para mostrar la puerta abierta a especulaciones de negocios fáciles y ventajosos. . . . Ni es posible tampoco pedir más a gentes que gastan a lo sumo una semana en sus visitas, tiempo durante el cual pueden verse muchas cosas que . . . están a la vista, pero de ningún modo ese algo de la vida íntima, política o social, que sólo logra adquirirse en una permanencia prolongada y en el contacto diario de las personas. De ahí por qué, por lo general, tales obras no nos interesan.

No así las dos de que me propongo dar una ligera noticia, pues reunen las tres condiciones indispensables para ser consideradas y estimadas como de gran importancia, cuales son, la época en que fueron escritas, los hechos que relatan y la larga permanencia de sus autores en Chile, haciendo vida común con los habitantes del país. Ya se deja comprender por esto sólo, que, tanto como su conocimiento resulta importante para los chilenos, aparecerá, quizás, en orden inverso para los norteamericanos. Sea como quiera, es necesario que allí se sepa el verdadero servicio que esos sus compatriotas prestaron a la historia de Chile al ocuparse, por la fuerza de las circunstancias y de los sucesos en que se

vieron envueltos, del período más interesante de nuestra vida nacional, cual fué el de la revolución de nuestra independencia. Y por mi parte, tanto lo he juzgado así, que he creído pagar una deuda de gratitud al verter esos libros al castellano, como dignos de que sean por todos aquí leídos y estimados.

Intitúlase el primero de esos libros, en términos abreviados, *Letters written during a residence of three years in Chile*, por Samuel B. Johnston, y fué impreso, en 1816, en el pueblo de Erie, del Estado de Pennsylvania, probablemente en tirada muy reducida, pues es sumamente escaso. Johnston partió de Nueva York a fines de julio de 1811, embarcado en la fragata mercante *Galloway*, en compañía de Guillermo Burbidge y de Simón Garrison, tipógrafos los tres, que debían tomar a su cargo en Santiago la imprenta encargada por el Gobierno revolucionario de Chile para servir de propaganda a las nuevas ideas. Todos ellos venían, al parecer, a la gruesa ventura y sin contrato alguno previo para el ejercicio de su arte en este entonces tan apartado país. La ilustración de que dió pruebas Johnston y otras varias circunstancias concurren a demostrar que fué él quien tuvo a su cargo la dirección del taller.

Después de una navegación de 122 días, la *Galloway* echaba sus anclas en Valparaíso el 21 de noviembre. El Gobierno, sabedor de la llegada de la imprenta y de los tipógrafos que deberían manejarla, se apresuró a dictar un decreto señalando a los tres el sueldo de mil pesos anuales, interesándoles además, en las utilidades de la empresa, si llegase a haberlas.

Bajo estas condiciones iniciaron sus tareas, cuya muestra inicial fué el prospecto de *La Aurora de Chile*, primer periódico que se publicaba en Chile, que comenzó a circular con extraordinarias manifestaciones de júbilo de todo el pueblo de Santiago el día 12 de Febrero del año inmediato siguiente de 1812. Continuaron sin interrupción en ellas los tipógrafos norte-americanos, hasta que el 4 de Julio, con motivo de la fiesta que se celebró en el Consulado de su nación para conmemorar el aniversario de la independencia de los Estados Unidos, después de las libaciones del día, en el baile que allí tuvo lugar en la noche, comenzaron a molestar a la concurrencia y se descomidaron con las señoras que a él asistían, y hubieron de ser sacados de la sala por orden del Cónsul Mr. Poinsett para ser conducidos por una escolta a cargo de un sargento a la casa en que posaban, que probablemente sería el mismo local de la imprenta. Profundamente irritados de tal desaire, en el camino insultaron a la guardia, la que hizo fuego sobre ellos y los que los acompañaban, entre quienes se contaban algunos oficiales chilenos, de lo que re-

sultó quedar ocho personas gravemente heridas, incluso Burbidge, que falleció cuatro días más tarde. Johnston y Garrison fueron presos y estuvieron arrestados hasta poco antes del 23, día en que *La Aurora* volvió a registrar al pie de sus columnas los nombres de ambos. Johnston en sus *Letters* apenas si trae una mención,—ya se comprenderá por qué,—de aquel memorable 4 de Julio celebrado por primera vez en Santiago y en el que se estrenó igualmente por los insurgentes el uso de la escarapela tricolor, símbolo de una nueva patria.

Continuó Johnston en sus tareas de impresor hasta la segunda mitad del mes de abril de 1813. Hacia el 22, se marchaba apresuradamente a Valparaíso. Dejaba, así, de la noche a la mañana, sus tranquilas labores de la imprenta, para convertirse, según sus palabras, en un hijo de Neptuno y "buscar renombre por el tronar de los cañones." Para tan extraña determinación habían influido seguramente varias circunstancias: veíase ya desligado de sus compromisos con el Gobierno por la expiración de su contrato; el provecho pecuniario que después de tan largo viaje como el que había hecho a un país extranjero y harto remoto y apartado de su patria y de diversa lengua que la suya, y de un trabajo constante de quince meses, le había resultado tan escaso, que sus economías apenas pasaban de un centenar de pesos; el Gobierno insurgente organizaba por esos días en Valparaíso una escuadrilla con la que se proponía cortar al enemigo vencido en tierra su retirada al Perú, campaña para la cual se ofrecía a los que se enrolasen en ella ventajas considerables, como eran, entre otras, la de que serían suyas las presas que hicieran, asegurándose al respecto en Santiago que las tripulaciones que se aprestaban para las naves que debían hacerse al mar, por lo menos la del *Colt*, estaban todas compuestas de ingleses y norte-americanos, lo que era ya una especativa de éxito y buena compañía para él: obtuvo entonces su nombramiento de teniente de fragata, y con él en su cartera se presentó en Valparaíso. A su llegada allí, se encontró, con no poco descontento suyo, con que esa última información era errada; pero no era ya tiempo de arrepentirse y se embarcó en el *Colt*, de cuya dotación pasó a ser el único oficial con título después del capitán Mr. Edward Barnewall, hasta hallarse ya listos para partir el 26 de ese mes de abril.

El curioso lector hallará en el relato de Johnston en lo que paró aquella que podríamos llamar unar calaverada. Traicionados por virtud de un complot fraguado en tierra y que hubo de estallar a vista misma de las autoridades de Valparaíso, el 3 de mayo Johnston fué apresado,

logrando escapar milagrosamente de que lo matase un negro de los sublevados, para ser llevado junto con sus compañeros fieles al Gobierno, al Callao, adonde llegaron el 18 de aquel mes. Encerrados inmediatamente en los calabozos del fuerte de aquella plaza, se les siguió un proceso, que se creyó habría de terminar por ahorcarlos a todos como auxiliares de rebeldes del Rey de España o de piratas; hasta que, después de cinco meses y trece días de cárcel, en cuyo tiempo estuvo varias veces en el hospital, el 13 de octubre recibió orden de embarcarse en el *Hope*, buque que debía dirigirse en derechura a Estados Unidos, según se aseguraba, y que se hizo a la vela al siguiente día. Pero, como era de esperarlo de la mucha gente que iba a bordo y de las pocas provisiones que cargaba, ese buque tuvo que recalcar en Valparaíso, donde fondeaba el 6 de noviembre inmediato.

Johnston se dirigió bien pronto a Santiago. Había cambiado de nuevo de rumbo y se proponía ahora establecer en Chile una imprenta y una fábrica de papel, cuyas maquinarias pensaba adquirir en Europa. Cuándo podría hacer ese viaje no lo sabía, pero a fin de asegurarse, llegado el caso, el libre tránsito por los países entonces en guerra con su patria, solicitó y obtuvo en los términos más encomiásticos para él, carta de ciudadano de Chile. Sin ocupación, deseando poner en ejecución aquellos proyectos, que podrían labrar su fortuna en un porvenir más o menos cercano, y deseoso de volver a su casa, quiso lograr la ocasión que por esos días se le ofrecía para ello y que tan raras tenían que ser en aquellos tiempos, embarcándose en la fragata de guerra *Essex* de su país, que estaba al ancla en Valparaíso, y a ese propósito ofreció sus servicios al capitán David Porter, que la mandaba. Bien sabía que su ingreso en la tripulación de aquella nave no parecía exenta de peligros, y hasta de uno muy inmediato, pues no sólo su patria estaba en guerra con la Gran Bretaña, sino que en aquel puerto se hallaban fondeadas tres naves de esa nación, que obedecían al comodoro James Hillyar, y que asechaban el momento de combatir al buque americano, creyendo poderlo vencer fácilmente; y, más todavía, que por ciertas comunicaciones del marino inglés al Gobierno de Chile, de que por alguna rara circunstancia había podido imponerse, recelaba que se trataba de vencer sus escrúpulos para que se desentendiese de defender su neutralidad. Pero Johnston no trepidó, e interponiendo las influencias del cónsul Poinsett y del capitán Mascena Monson (antiguo dueño del *Colt*) obtuvo que Porter le admitiese a bordo con el grado de teniente de infantería de marina, y en ese carácter se embarcó en la *Essex* pocos días antes del 28 de marzo, célebre en los anales marítimos de aquella

época por el sangriento combate que a la vista de todo el pueblo de Valparaíso y de los campesinos de los alrededores que acudieron a presenciarlo desde los cerros que dominan la bahía, tuvo lugar entre la *Phoebe* y la *Essex*, que concluyó, después de dos horas de lucha, por la rendición de ésta, cuando ya casi toda su tripulación estaba muerta o herida y la nave desmantelada y ardiendo. ¡Sarcasmos del destino! ¡Aquel hombre de carácter dulce, que más de una vez había derramado lágrimas en su encierro del Callao, que había venido a Chile para ser elemento de luz y vida, figuraba ahora como actor en un episodio de destrucción, horror y muerte! Por fortuna para él, logró escapar ileso del combate y sin más pérdida,—que otra cosa no tenía que perder,—que una parte de su diario, que le impidió más tarde señalar con precisión, y tuvo por eso que suplir de memoria, algunas de las fechas apuntadas en su última carta escrita antes de partir definitivamente de Chile.

Johnston hubo de permanecer todavía en Valparaíso un mes entero. De acuerdo con lo resuelto por Hillyar, los prisioneros sobrevivientes de la *Essex*, después de prestar su palabra de honor de no volver a tomar armas contra Inglaterra, fueron despachados a Estados Unidos a bordo de la *Essex Junior*, que se hizo al mar desde Valparaíso el 27 de abril.

Volvía Johnston al seno de los suyos después de una ausencia de tres años: allí en Erie, leyó, probablemente, sus apuntes de viaje a Mr. R. I. Curtis, dueño de la imprenta que había en el pueblo, quien, juzgándolos de interés, se ofreció a editarlos, si bien es de creer que para ello hubo necesidad, a fin de no hacer muy dispendiosa la impresión, de compendiar la redacción primitiva, dándole el autor, por efecto de un artificio literario, la forma de cartas a un supuesto amigo. Y hubo de mediar también otra supresión, hecha después de impreso el libro, pues, tal como apareció, resulta que le falta el prólogo o advertencia que debió de preceder a las *Letters*, en el cual el autor daría cuenta, seguramente, de los motivos de su viaje a Chile y del desempeño de sus tareas de impresor. Difícil sería acertar con los motivos de semejante supresión, que ha dejado el libro del regente de *La Aurora* destroncado y a los bibliógrafos ayunos de incidentes que habrían resultado interesantísimos para el conocimiento de los pañales del arte tipográfico en Chile. Así fué como, en el orden personal, diré, falta todo lo que a él toca, si se exceptúa la relación de su permanencia en los calabozos de las Casasmatas del Callao, que resulta por extremo minuciosa.

Pero, en cambio de lo que falta de datos personales en el libro de Johnston, es rico en detalles de otro orden. Era, a todas luces, hombre

de alguna ilustración, que deja traslucir en las reminiscencias que hace de poetas de su habla materna; estaba dotado de un espíritu sereno y observador, y casi siempre se manifiesta imparcial en sus juicios, imparcialidad que sólo le abandona al tratar de lo que llamaba manejos de Hillyar,—y ya se ve por qué,—de deprimir al Gobernador de Valparaíso, por la conducta tacaña y formalista que usó con él y sus compañeros de a bordo al negarse a satisfacerles los sueldos a que se creían con derecho, o de ensalzar a don José Miguel Carrera, el verdadero jefe por aquel entonces del país, a quien debió de estar reconocido por haber sido él quien le firmó su contrato para servir al Gobierno; sin que deje de ser verdadero al pintarnos al general y estadista chileno con su carácter impulsivo y resuelto y valiente más que todos para empujar, sin perdonar medios, un nuevo orden de cosas, pasando sobre añejas tradiciones sociales y dogmas políticos arraigados por una dominación de tres siglos, que en esto estuvo su mérito y se basa su gloria; como hijo de otra raza y de muy diversa educación social a la que reinaba en el país, ha podido llamar la atención sobre lo que a él le chocaba, y de que un español o hispano-americano no se habría dado cuenta, consignando, por tal causa, costumbres y anécdotas que resultan hoy por extremo interesantes y sobre las cuales no debo aquí insistir, a no ser aquella, que vale por muchas, del percance ocurrido al convidado norte-americano que fué despedido por el dueño de casa por haber sostenido en una conversación durante la comida, que la independencia política no podría alcanzarse por entero sin proclamar a la vez la libertad de conciencia....

En el orden netamente histórico, sería también ocioso poner de manifiesto el valor de las informaciones que da sobre los incidentes de la empresa acometida por nuestra primera escuadra nacional, si así puede llamarse, que eran hasta ahora punto menos que enteramente desconocidos. La seriedad con que procedía Johnston y el criterio que lo guiaba en sus informaciones se acredita con la inserción que hizo en su libro de varios documentos íntegros, alguno, en verdad, de gran importancia, cual fué el del primer reglamento constitucional de Chile.

Existen, sin duda, errores en algunas partes del relato de Johnston, procedentes de informaciones ajenas y que tocan a sucesos anteriores al tiempo en que vivió entre nosotros, que son fáciles de salvar para el medianamente instruido, y, por lo demás, de tan escasa monta, que en nada disminuyen el valor de sus restantes dictados, hijos que fueron, justo es reconocerlo, de un espíritu bien intencionado hacia la que había elegido por su segunda patria, que no habría de volver a ver, como se lo

imaginó, pues falleció, posiblemente en el pueblo de su vecindad, el 19 de mayo de 1820.¹

En el mismo año y, acaso, en los mismos días en que salía a la luz pública en Erie el libro de Johnston, llegaba a Talcaguano, en fines de agosto de 1817, un joven norte-americano llamado J. F. Coffin. Embarcado en el bergantín *Canton*, despachado a Chile con un cargamento de fusiles y paños militares, sin duda destinado a ser vendido a los patriotas de este país, y confiscado el buque por las autoridades realistas luego de su arribo a aquel puerto, Coffin fué detenido en calidad de preso y hubo de permanecer en la provincia de Concepción hasta que esta ciudad fué ocupada por las tropas del general chileno don Ramón Freire, en Febrero de 1819.

Durante su permanencia en el sur de Chile, Coffin fué consignando en una especie de diario lo que pudo presenciar como testigo de vista, agregando a los datos de cosecha propia otros de que pudo ser informado por testimonios ajenos, comunicándolos a sus amigos de Estados Unidos, que publicaron esas impresiones, cuando el autor permanecía aún en Chile, con el título de *Journal of a residence in Chili*, en Boston, en 1823, aunque callando el nombre de Coffin.² Escrito por un joven de alguna ilustración, pero sin la suficiente cultura literaria, el estilo del libro se resiente de poco correcto, si bien hay que disculparle en parte tal pecadillo literario, pues sus notas las destinaba a ser leídas por los amigos que dejara en Estados Unidos y no para la prensa. Esta circunstancia, que perjudica a la forma externa de la obra, ofrece, en cambio, para

¹ Obtuve este dato del Navy Department de Washington, merced a la bondad de mi distinguido amigo el profesor William R. Shepherd, de la Columbia University, que se sirvió solicitarlo a instancias mías.

Deseoso de adelantar en cuanto me fuera posible los datos biográficos de Johnston y en vista de lo que expresaba en su libro de haber confesado con verdad la fecha y lugar de su nacimiento cuando fué llamado a parecer ante el Consejo de Guerra que se siguió en el Callao a los tripulantes de la *Perla* y el *Potrillo (Cot)*, solicité de mi amigo don Pedro Torres Lanzas, dignísimo jefe del Archivo de Indias en Sevilla, que indagase si existía allí aquel expediente y me enviase copia de la declaración de Johnston. En su respuesta me dice que, desgraciadamente, no se ha encontrado el proceso.

² Que éste fuera el autor del libro lo manifestó Sabin en su *Dictionary*, t. IV, p. 209: dato que he podido comprobar en un expediente que existe en la Biblioteca Nacional de Santiago, en el que constan, en efecto, las gestiones hechas en Lima, por Francisco Coffin, años más tarde de su llegada a Chile, para que se le pagase el cargamento del *Canton*; y se comprueba, ademas, con la firma de la dedicatoria en el ejemplar que he tenido a la vista, dirigida a don Enrique Hill, bostonense como él, que por aquel tiempo vivía entre nosotros.

nosotros la ventaja de que así podemos sorprender observaciones del autor expresadas como las sentía, sin ambajes ni reticencias.

Sería ocioso que pretendiera poner de relieve los errores en que Coffin ha podido incurrir al relatar algunos sucesos históricos de mi país en aquella época acontecidos: son éstos demasiado conocidos de los chilenos para que pudiera verme en el caso de rectificarlos, y no interesan, naturalmente, a los norte-americanos. El valor del libro no estriba tampoco en eso, ya que debe deducirse por entero de las observaciones consignadas por el autor respecto de los hombres y de las cosas, tan nuevas para él, dentro de cuya esfera se desarrollaron aquellos sucesos, o, lo que tanto vale, en este cuadro lo que atrae, no es lo acabado de los detalles, sino el conjunto mismo.

¿Hasta qué punto, sin embargo, son exactas esas observaciones? El lector sin prejuicios puede convencerse muy luego de que nuestros abuelos, en general son tratados a veces con dureza, y sin duda, con mucho más, el elemento femenino de la provincia de Concepción, única del país a que se extienden las notas del joven norte-americano. Está demás decir que el autor no tenía interés alguno en alterar la verdad y que si se ha equivocado ha sido por su inexperiencia de las cosas—¡se cambia tanto con los años y el conocimiento de los hombres!—; por su condición de extranjero, que no le permitía, quizás, a veces, interpretarlas correctamente; en parte, por su no cabal conocimiento del idioma castellano, y, en parte también, como hombre de otra raza, educado en cierto ambiente muy diverso al que aquí hallaba, y colocado por las circunstancias en un centro del todo extraño de aquél en que como por encanto se vió trasportado de la noche a la mañana. Con todo, por más triste que aparezca la pintura que Coffin hace de las costumbres y estado social de una provincia chilena, ella encuentra su compensación al contemplar hoy los inmensos adelantos realizados en la vía del progreso, y para admirar también más los esfuerzos de los próceres chilenos al llevar a término con tan mezquinos elementos como los de que dispusieron el triunfo de la independencia de la nación.

Sea comoquiera, el hecho innegable es que el libro de Coffin hay que considerarlo como un testimonio de valor, sino el único, que hasta ahora se conozca sobre la vida íntima de los habitantes de una gran parte de Chile en aquel entonces; sobre cómo pensaban nuestros abuelos en las cuestiones trascendentales de la epopeya que vino a constituirnos en país libre y soberano; sobre los sufrimientos experimentados por las familias en aquella época de profundos trastornos políticos; sobre el estado de las artes y de la agricultura; sobre la instrucción del pueblo,

las creencias religiosas y hábitos políticos, y, aun a veces, en el relato de detalles e incidencias de sucesos históricos de gran importancia, que no es posible encontrar en los documentos. Es de lamentar, por todo esto, que en virtud de circunstancias que desconocemos, Coffin no realizase al fin el proyecto que por aquel entonces parece abrigaba de escribir y dar a luz un trabajo mucho más extenso sobre los países de la América del Sur que había visitado.

J. T. MEDINA.

Santiago de Chile, 18 de julio de 1917.

NOTES

Biblioteca Argentina; publicación mensual de los mejores libros nacionales. Director: Ricardo Rojas. Buenos Aires, Librería La Facultad de Juan Roldán.

“La Cultura Argentina”; ediciones de obras nacionales, dirigidas por el Dr. José Ingenieros. Avenida de Mayo 646, Buenos Aires.

The two collections above mentioned are important to students of Argentine history and culture, containing, as each does, the classics of Argentine literature. The names of the editors are a sufficient guarantee of the critical and scholarly character of the editorial work; and, as the objective is culture instead of profit, the prices are very reasonable. The first twelve numbers of the Biblioteca Argentina are: Moreno, *Doctrina democrática*; Echevarría, *Dogma socialista*; Alberde, *Bases*; Sarmiento, *Educación popular*; Avellaneda, *Tierras públicas*; Cruz Varela, *Tragedias*; Monteagudo, *Obras políticas*; Mitre, *Comprobaciones históricas*; Alberdi, *Luz del dia*; Tejeda, *El peregrino en Babilonia*; Gorriti, *Reflexiones*; Sarmiento, *Facundo*. Among the issues of “La Cultura Argentina” may be mentioned: Moreno, *Escritos políticos y económicos*; Sarmiento, *Conflictos y armonía de las razas*; Ramos Mejía, *Las neurosis de los hombres célebres*; Echeverría, *Dogma socialista y plan económico*; Andrade, *Poesías completas*; Alberdi, *El crimen de la guerra*; Alvarez, *¿A donde vamos?*

The "Editorial-América", of Madrid, under the able administration of Sr. Rufino Blanco Foombona, of Venezuela, is publishing three series of volumes of marked interest to the libraries of the United States and to all students of Hispanic American history, politics, and literature: Biblioteca Ayacucho (historical); Biblioteca de Ciencias políticas y sociales; and Biblioteca Andrés Bello (literary). They comprise original works, reprints of rare and standard works, and translations. The editorial and press work are good, and the volumes are issued in a convenient form and at a very moderate price, namely, from four to seven and one-half pesetas. The titles of some of the works issued will serve to indicate the useful character of the collection. Biblioteca Ayacucho: vols I. and II., *Memorias del General O'Leary*; vol. III., *Memorias de O'Connor*; vol. IV., *Memorias del General José Antonio Páez*; vol. V., *Memorias de un oficial del ejercito español*; vols. VI. and VII., *Memorias del General García Camba*; vol. VIII., *Memorias de un oficial de la Legión Británico*; vol. IX., *Memorias del General O'Leary*; vol. X., *Diario de María Graham*; vol. XI., *Memorias del regente Heredia*; vol. XII., *Memorias del General Rafael Urdaneta*; vol. XIII., *Memorias de Lord Cochrane*; vol. XIV., *Memorias de Urquiza*; vol. XV., *Memorias de William Bennit Stevenson*; vol. XVI., *Memorias postumas del General José María Paz*; vol. XVII., *Memorias de Fray Servando Teresa de Mier*; vol. XVIII., *La creación de Bolivia* (by Sabino Pinilla); vol. XIX., *La dictadura de O'Higgins* (by M. L. Ainunátequi and B. Vicuña Mackenna). Biblioteca de Ciencias Políticas y Sociales: vol. I., *La guerra europea* (by Orestes Ferrera); vol. II., *La diplomacia de Chile durante la emancipación y la Sociedad Internacional Americana* (by A. Alvarez); vol. III., *Etnología e historia de Tierra-Firme* (by J. C. Salas); vol. IV., *El mito de Monroe* (by C. Pereyra); vol. V., *La federación en Colombia* (by J. de la Vega); vol. VI., *La evolución histórica de la América Latina* (by M. de Oliveira Lima); vol. VII., *Ensayo de historia política y diplomática* (by A. C. Rivas); vol. VIII., *El hombre y la historia, ensayo de sociología venezolana* (by J. Gil Fortoul); vol. IX., *Rosas y el Doctor Francia* (by J. M. Ramos Mejía); vol. X., *Estudios de sociología venezolana* (by P. M. Arcaya); vols. XI. and XII., *El ideal político del Libertador Simón Bolívar*; vol. XIII., *Los negros brujos—apuntes para un estudio de etnología criminal* (by F. Ortiz); vol. XIV., *El gobierno representativo federal en la República Argentina* (J. N. Matienzo). Since the series "Biblioteca Andrés Bello", is literary in tone rather than historical, although some of the volumes have a more or less historical setting, the titles are omitted.—C. K. JONES.

Dr. Horacio H. Urteaga, professor of history in the University of Lima, is editing an interesting and valuable series of works forming the source material of the history of Peru, namely: *Colección de libros y documentos referentes a la historia del Perú* (Lima, Sanmartí y Oia., 1916-). In the introduction prefixed to the first volume, the editor comments briefly on the twelve volumes which are to constitute the complete series, of which the writer of this notice has seen the first four, to wit: vol. I., *Relación de las fábulas y ritos de los Incas por Cristóbal de Molina*, and *Relación de la conquista y población del Perú por C. de Molina*; vol. II. *Relación de la conquista del Perú y hechos del Inca Manco II por Don Diego de Castro Tito Cussi Yupangui Inca*; vols. III. and IV., *Informaciones acerca de la religión y gobierno de los Incas por el licenciado Polo de Ondegardo* (1571) *seguidas de las Instrucciones de los concilios de Lima*. Other volumes to be included are: *Crónica de Lima* (by Francisco de Mogaburu); *Visita general del virrey Don Francisco de Toledo* (1572); *Relación de los errores y falsos dioses de los Indios de Huaro Chiri* (by Francisco de Avila, 1608); *Relaciones sobre la conquista; Informaciones de los Quipocamayos a Vaca de Castro acerca del gobierno y descendencia de los Incas; Estudios sobre etnología y civilización del antiguo Perú*; and others.—C. K. JONES.

Among the Hispanic-American periodicals, the appearance is to be noted of the *Revista Nueva; ciencias, literaturas y artes* (Panama), which issued its initial number, May, 1916. The present directors are J. D. Moscote and Octavio Méndez Pereira. As indicated by the title, the review is general in character, reflecting, of course, more especially the history and thought of the new republic. Of the interesting articles found in its pages, the following may be noted: "Situación de Panamá como nación hispano-americana", by A. Aizpuru; "El problema de la solidaridad americana, o consideraciones acerca de la doctrina de Monroe", by D. H. Turner; "La Universidad pan-americana"; "Porqué cayó la confederación Groundina", by P. Arosmena; "El canal interoceánico de Panamá", by M. D. Iraolagatia.—C. K. JONES.

"A selected bibliography" of the federation of Central America forms the material of chapter XII. of William F. Slade's "Federation of Central America", which appeared in *The Journal of Race Development* for October, 1917. The bibliography is divided into the following sections: Bibliographical works; General documentary sources; Descriptive works (travel, natural resources, etc.); Diplomacy and foreign relations;

Works on Central American history; Walker's filibustering expedition; The Monroe Doctrine; and Union of Central America.

The Catholic Historical Review, for January, 1918, publishes "some of the introductory notes" made by Rev. John F. O'Hara, C.S.C., of the University of Notre Dame, for his forthcoming volume *Readings in Latin American Church History*. For the period of discovery, the references cover the following topics: religious motives in the enterprise; first fruits of the American church; first provisions for missionaries; work of first missionaries; permanent establishment in Santo Domingo, Puerto Rico and Cuba; ecclesiastics as civil rulers; the Church as protector of the Indians. For the period of the conquest, there are two main lines of references, namely: missionaries in the train of Cortés; and establishment of the missions, the latter being especially full.

The Allen Johnson series "Chronicles of America" promises much of interest to Hispanic America. There will be books by Mr. Irving B. Richman, Professors Bolton and Shepherd, and W. F. McCaleb; while a number of the other volumes dealing with Spanish affairs in territory now a part of the United States will also have an interest to students of Hispanic America.

Dr. C. N. Haring's new book *Trade and Navigation between Spain and the Indies in the time of the Hapsburgs*, has recently been published by the Harvard University Press.

The well known Argentine historical scholar, Dr. Carlos J. Salas, of Buenos Aires, has recently prepared, or is preparing, a number of important historical papers and books. Among these are the following: "Pedro Martir de Angleria", which is to appear in the *Anales* of the University of Law and Social Sciences of Córdoba; "La Muerte del Dr. José Bernardo Monteagudo"; "La cuna del Dr. Monteagudo"—this to refute the assertions of various authors of Alto Perú, such as Finton and Mallo, who claim that Monteagudo was born in Chuquisaca; a bibliography of Dr. Bernardo Monteagudo, with notes and critical comment; vol. VI. of a bibliography of General José de San Martin; and in course of writing, a work entitled *Los cronistas mayores de Indias y sus relatos historiales acerca del Rio de la Plata*, which will consist of text proper, and biographies and bibliographies of each writer.

The following titles are taken from the "List of Doctoral dissertations in history now in progress at the chief American Universities, December, 1917", which appeared in the January, 1918, issue of *The American Historical Review*:

Aiton, A. S. (A.B., California, 1916): "Antonio de Mendoza, first viceroy of New Spain". *California*.

Brown, Vera L. (A.B., McGill, 1912-1913): "A study of the Audiencia in Peru". *Eryn Mawr*.

Buckley, Eleanor C. (A.B., Texas, 1908, A.M., 1909): "The economic forces underlying Latin-American independence". *Pennsylvania*.

Campbell, Edna (A.B., Chicago, 1902, A.M., 1906): "The geographic influence in the settlement and development of the lower Mississippi Valley". *Chicago*.

Hill, R. R. (A.B., California, 1900): "The office of viceroy in colonial Spanish America". *Columbia*.

Lockey, J. B. (S.B., Peabody, 1902, A.M., 1909): "Latin America and the Monroe Doctrine". *Columbia*.

McDonald, J. G. (A.B., Indiana, 1909, A.M., 1910): "The Spanish Corregidor: origin and development". *Harvard*.

Martin, T. P. (A.B., Leland Stanford, 1913; A.M., California, 1914): "The confirmation of foreign land titles in the acquired territories of the United States". *Harvard*.

Rippy, J. F. (A.B., Southwestern, 1913; A.M., Vanderbilt, 1915): "Diplomatic relations of the United States and Mexico, 1848-1880". *California*.

Vandergrift, R. A. (A.B., California, 1917): "Military defense in the Spanish colonial system". *California*.

Vann, E. E. (A.B., Birmingham, Alabama, 1902; D.B., Vanderbilt, 1907): "The abolition of slavery in Brazil". *Columbia*.

Williams, J. H. (A.B., Brown, 1912; A.M., Harvard, 1916): "The international trade of Argentina". *Harvard*.

The above list also notes the following doctoral dissertations that have been printed since December, 1916: or which are now in press:

Dunn, W. E.: *Spanish and French rivalry in the Gulf region of the United States, 1678-1702: the beginnings of Texas and Pensacola*. Austin, University of Texas, 1917.

Munro, D. G.: *Political conditions of international relations of Central America.* Philadelphia, University of Pennsylvania (in press).

The following dissertation, not noted in the list, is also in press:

Cunningham, Charles H.: *The Audiencia of the Philippines.* Berkeley, University of California.

The following dissertation will, it is expected, soon go to press:

Hackett, Charles W.: *The uprising of the Pueblo Indians of New Mexico, 1680-1682.* Berkeley, University of California.

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Batchelder, Roger: *Watching and waiting on the border.* Boston and New York, Houghton Mifflin Company, 1917. Pp. xxvi, (2), 221.

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Brooke, George, 3d: *With the First City Troop on the Mexican border.* Philadelphia, The John C. Winston Company, 1917. Pp. 166. Illustrated.

Bustamante, Luis F.: *Perfiles y Bocetos revolucionarios.* México Tip. de "El Constitucional", 1917. Pp. 183.

Calero, Manuel: *The Mexican Policy of President Woodrow Wilson as it appears to a Mexican.* New York, Smith and Thomson, [1916]. Pp. 97.

Cappeau, Ida M.: *A voyage to South America and Buenos Aires the City Beautiful.* Boston, Sherman, French and Company, 1916. Pp. (8), 134. Index; illustrated.

Case, Alden Buell: *Thirty years with the Mexicans: in peace and revolution,* (With an introduction by David P. Barrows, Dean of the University of California.) New York, Chicago and Toronto; London and Edinburgh. Fleming H. Revell Company, [1917]. Pp. 285. Illustrated.

Davenport, Francis Gardiner (editor): *European treaties bearing on the history of the United States and its dependencies in 1648.* Washington, Carnegie Institution of Washington (No. 254), 1917. Pp. vi, 387.

Elliott, L. E.: *Brazil today and tomorrow.* New York, The Macmillan Company, 1917. Pp. x, (3), 338. Index; illustrated.

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- O'Shaughnessy, Edith: *Diplomatic days.* New York and Boston, Harper and Brothers, [1917]. Pp. (12), 338.
- Paz, José María: *Memorias postumas del General José María Paz.* Madrid, Editorial-América, [1917].
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- Pitman, Frank Wesley: *The development of the British West Indies, 1700-1763.* New Haven, Yale University Press; London, Humphrey Milford, Oxford University Press, 1917. Pp. xvi, 495. Index.
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